The CODE of CANON LAW

In English translation

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INTRODUCTION

In keeping with n. 3 of the Norms issued by the Cardinal Secretary of State on January 28, 1983, this translation has been approved by the National Conference of Catholic Bishops. The Latin text is printed with permission of the Holy See and the National Conference of Catholic Bishops.

Nihil obstat Most Rev. Anthony M. Pilla, President

National Conference of Catholic Bishops

Imprimatur Most Rev. William E. Lori, S.T.D., V.G.

Auxiliary Bishop of the Archdiocese of Washington

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ABBREVIATIONS AND SIGLA

AA Decr. Apostolicam actuositatem, 18 nov. 1965 (AAS 59 [1966] 837-864)

AAS Acta Apostolicae Sedis, Commentarium officiale

Adh. Adhortatio

AG Decr. Ad gentes, 7 dec. 1965 (AAS 58 [1966] 947-990)

AIE SCRIS Decr. Ad instituenda experimenta, 4 iun. 1970 (AAS 62 [1970] 549-550)

All. Allocutio

AP Paulus PP. VI, m.p. Ad pascendum, 15 aug. 1972 (AAS 64 [1972] 534-540)

Ap. Apostolica

art. Articulus

AS Paulus PP. VI, m.p. Apostolica sollicitudo, 15 sept. 1965 (AAS 57 [1965] 775-780)

c./cc. Canon / canones, Codex Iuris Canonici, 1917

CA Sec Rescr. Cum admotae, 6 nov. 1964 (AAS 59 [1967] 374-378)

CAl Pius PP. XII, m.p. Crebrae allatae, 22 febr. 1949 (AAS 31 [1949] 89-117)

can. / cann. Canon / canones, Codex Iuris Canonici Orientalis

cap. Caput

CC Pius PP. XI, Enc. Casti connubii, 31 dec. 1930 (AAS 22 [1930] 539-592)

CD Decr. Christus Dominus, 28 oct. 1965 (AAS 58 [1966] 673-696)

CE Paulus PP. VI, m.p. Catholica Ecclesia, 23 oct. 1976 (AAS 68 [1976] 694-696)

CEM De Sacra Communione et de Cultu Mysterii Eucharistici extra Missam, 1973

circ. Circulares

CI Pontificia Commissio ad Codicis Canones Authentice Interpretandos

CICS Pontificium Consilium Instrumentis Communicationis Socialis Praepositum

CIP Pontificia Commissio a Iustitia et Pace

CIV Pontificia Commissio Decretis Concilii Vaticani II interpretandis

CM Paulus PP. VI, m.p. Causas matrimoniales, 28 mar. 1971 (AAS 63 [1971] 441-446)

CMat Paulus PP. VI, m.p. Cum matrimonialium, 8 sep. 1973 (AAS 65 [1973] 577-581)

Const. Constitutio

CPEN Consilium a Publicis Ecclesiae Negotiis (a 1-I-1968)

CS Pius PP. XII, m.p. Cleri sanctitati, 2 iun. 1957 (AAS 49 [1957] 433-600)

CSan SCR Instr. Cum Sanctissimus, 19 mar. 1948 (AAS 40 [1948] 293-297)

CT Ioannes Paulus PP. II, Litt. Catechesi Tradendae, 16 oct. 1979 (AAS 71 [1979] 1277-1340)

DCG SCpC Directorium catechisticum generale, 11 apr. 1971 (AAS 64 [1972] 97-176)

Decl. Declaratio

Decr. Decretum

DH Decl. Dignitatis humanae, 7 dec. 1965 (AAS 58 [1966] 929-946)

DO SCUF Directorium Oecumenicum, I: 14 maii 1967 (AAS 59 [1967] 574-592); II: 16 apr. 1970 (AAS 62 [1970] 705-724)

DPME SCE Directorium de pastorali ministerio Episcoporum, 22 feb. 1973

DS Denzinger-Schönmetzer, Enchiridion Symbolorum Definitionum et Declarationum de rebus fidei et morum, ed. 33, 1965

DSD Pius PP. XI, Const. Ap. Deus scientiarum Dominus, 24 maii 1931 (AAS 23 [1931] 241-262)

DV Const. Dogmatica Dei Verbum, 18 nov. 1965 (AAS 58 [1966] 817-835)

EcS Paulus PP. VI, Enc. Ecclesiam Suam, 6 aug. 1964 (AAS 56 [1964] 609-659)

EM Paulus PP. VI, m.p. De Episcoporum muneribus, 15 iun. 1966 (AAS 58 [1966] 467-472)

Emys SRC Instr. Eucharisticum mysterium, 25 maii 1967 (AAS 59 [1967] 539-573)

EN Paulus PP. VI, Adh. Ap. Evangelii nuntiandi, 8 dec. 1975 (AAS 68 [1976] 5-76)

Enc. Encyclica

Ep. Epistula

EP SCDF Decr. Ecclesiae Pastorum, 19 mar. 1975 (AAS 67 [1975] 281-284)

ES Paulus PP. VI, m.p. Ecclesiae Sanctae, 6 aug. 1966 (AAS 58 [1966] 757-787)

ET Paulus PP. VI, Adh. Ap. Evangelica testificatio, 29 iun. 1971 (AAS 63 [1971] 497-526)

facul. Facultas, facultates

FC Ioannes Paulus PP. II, Adh. Ap. Familiaris Consortio, 22 nov. 1981 (AAS 74 [1982] 81-191)

GE Decl. Gravissimum Educationis, 28 oct. 1965 (AAS 58 [1966] 728-739)

gen. Generalis

GS Const. pastoralis Gaudium et Spes, 7 dec. 1966 (AAS 58 [1966] 1025-1115)

Hom. Homilia

HV Paulus PP. VI, Enc. Humanae vitae, 25 iul. 1968 (AAS 60 [1968] 481-503)

IC SCDS Instr. Immensae caritatis, 29 ian. 1973 (AAS 65 [1973] 264-271)

ID SCSCD Instr. Inaestimabile donum, 3 apr. 1980 (AAS 72 [1980] 331-343)

IOe SRC Instr. Inter Oecumenici, 26 sept. 1964 (AAS 56 [1964] 877-900)

IGLH Institutio Generalis de Liturgia Horarum, 11 apr. 1971

IGMR Institutio Generalis Missalis Romani, 26 mar. 1970

IM Decr. Inter mirifica, 4 dec. 1963 (AAS 56 [1964] 145-157)

Ind. Indultum

Instr. Instructio

LG Const. dogmatica Lumen gentium, 21 nov. 1964 (AAS 57 [1965] 5-75)

Litt. Litterae

LMR SCRIS Life and Mission of Religious in the Church (Plenaria of SCRIS) 20 aug.1980

l.s. Latae sententiae

MC Pius PP. XII, Enc. Mystici Corporis, 29 iun. 1943 (AAS 35 [1943] 193-248)

MD Pius PP. XII, Enc. Mediator Dei, 20 nov. 1947 (AAS 39 [1947] 521-600)

MF Paulus PP. VI, Enc. Mysterium fidei, 3 sep. 1965 (AAS 57 [1965] 753-774)

MG Paulus PP. VI, All. Magno gaudio, 23 maii 1964 (AAS 56 [1964] 565-571)

MM Paulus PP. VI, m.p. Matrimonia mixta, 31 mar. 1970 (AAS 62 [1970] 257-263)

m.p. Litt. Ap. Motu proprio datae

MQ Paulus PP. VI, m.p. Ministeria quaedam, 15 aug. 1972 (AAS 64 [1972] 529-534)

MR SCRIS et SCE, Normae Mutuae Relationes, 14 maii 1978 (AAS 70 [1978] 473-506)

MS SCDF Instr. Matrimonii sacramentum, 18 mar. 1966 (AAS 58 [1966] 235-239)

nep LG nota explicativa praevia

Notif. Notificatio

NPEM CPEN Normae de promovendis ad Episcopale ministerium in Ecclesia Latina, 25 mar. 1972 (AAS 64 [1972] 386-391)

NSRR Pius PP. XI, Normae Sacrae Romanae Rotae Tribunalis, 29 iun. 1934 (AAS 26 [1934] 449-491)

NSSA Normae speciales in Supremo Tribunali Signaturae Apsotolicae ad experimentum servandae, 23 mar. 1968

OBP Ordo Baptismi parvulorum, 10 iun 1969

OC Ordo Confirmationis, 22 aug. 1971

OChr SCpC Litt. circ. Omnes christifideles, 25 ian. 1973

OCM Ordo Celebrandi Matrimonium, 19 mar. 1969

ODE Ordo Dedicationis Ecclesiae et Altaris, 29 maii 1977

OE Decr. Orientalium Ecclesiarum, 21 nov. 1964 (AAS 57 [1965] 76-89)

OEx Ordo Exequiarum, 15 aug. 1969

OICA Ordo Initiationis Christianae Adultorum, 1 iun. 1974

OP Ordo Paenitentiae, 2 dec. 1973

Ord. Ordinarius

OS (1966) Sec. Ordo Synodi Episcoporum celebrandae promulgatur a Summo Pontifice approbatus, 8 dec. 1966 (AAS 59 [1967] 91-103)

OS (1969) CPEN Ordo Synodi Episcoporum celebrandae recognitus et auctus, 24 iun. 1969 (AAS 61 [1969] 525-539)

OS (1971) CPEN Ordo Synodi Episcoporum celebrandae recognitus et auctus nonnullis additamentis perficitur, 20 aug. 1971 (AAS 63 [1971] 702-704)

OT Decr. Optatam totius, 28 oct. 1965 (AAS 58 [1966] 713-727)

OUI Ordo Unctionis infirmorum eorumque Pastoralis Curae, 7 dec. 1972

PA SCpC Notae directivae Postquam Apostoli, 25 mar. 1980 (AAS 72 [1980] 343-364)

Paen. Paulus PP. VI, Const. Ap. Paenitemini, 17 feb. 1966 (AAS 58 [1966] 177-185)

part. Particularis

PC Decr. Perfectae caritatis, 28 oct. 1965 (AAS 58 [1966] 702-712)

PCCICOR Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo

PCCICR Pontificia Commissio Codici Iuris Canonici Recognoscendo

PF Pius PP. XII, m.p. Primo feliciter, 12 mar. 1948 (AAS 450 [1948] 283-286)

PL Migne, Patrologia latina

PM Paulus PP. VI, m.p. Pastorale Munus, 30 nov. 1963 (AAS 56 [1964] 5-12)

PME Pius PP. XII, Const. Ap. Provida Mater Ecclesia, 2 feb. 1947 (AAS 39 [1947]

114-124)

PO Decr. Presbyterorum Ordinis, 7 dec. 1965 (AAS 58 [1966] 991-1024)

p. / pp. Pagella / pagellae

PR Pontificale Romanum

Prae. Praenotanda

Principia SE Normae, Principia quae Codicis Iuris Canonici recognitionem dirigant (Communicationes 1

[1969] 77-86)

PrM SCDS Instr. Provida Mater, 15 aug. 1936 (AAS 28 [1936] 313-361)

PS SCpC Litt. circ. Presbyteri sacra, 11 apr. 1970 (AAS 62 [1970] 459-465)

RC SCRIS Instr. Renovationis causam, 6 ian. 1969 (AAS 61 [1969] 103-120)

Rescr. Rescriptum

Resol. Resolutio

Resp. Responsum

REU Paulus PP. VI, Const. Ap. Regimini Ecclesiae Universae, 15 aug. 1967 (AAS 59 [1967] 885-928)

RFS SCIC Ratio fundamentalis institutionis sacerdotalis, 6 ian. 1970 (AAS 62 [1970] 321-384)

RH Ioannes Paulus PP. II, Enc. Redemptor hominis, 4 mar. 1979 (AAS 71 [1979] 257-324)

RPE Paulus PP. VI, Const. Ap. Romano Pontifici eligendo, 1 oct. 1975 (AAS 67 [1975] 609-645)

SA Supremum Tribunal Signaturae Apostolicae

SAr SCSO Instr. Sacrae artis, 30 iun. 1952 (AAS 44 [1952] 542-546)

SC Const. Sacrosanctum Concilium, 4 dec. 1963 (AAS 56 [1964] 97-138)

SCC Sacra Congregatio Concistorialis (usque ad 31-xii-1967)

SCConc Sacra Congregatio Concilii (usque ad 31-xii-1967)

SCCD Sacra Congregatio pro Cultu Divino (a 8-v-1969 usque ad 11-vii-1975)

SCDF Sacra Congregatio pro Doctrina Fidei (a 7-xii-1965)

SCDS Sacra Congregatio de Disciplina Sacramentorum (usque ad 11-vii-1975)

SCE Sacra Congregatio pro Episcopis (a 1-i-1968)

SCEO Sacra Congregatio pro Ecclesia Orientali (usque ad 31-xii-1967) / pro Ecclesiis

Orientalibus (a 1-i-1968)

SCGE Sacra Congregatio pro Gentium Evangelizatione seu de Propraganda Fide (a 1-i-1968)

SCh Ioannes Paulus PP. II. Const. Ap. Sapientia christiana, 15 apr. 1979 (AAS 71 [1979] 469-499)

SCIC Sacra Congregatio pro Institutione Catholica (a 1-i-1968)

SCNE Sacra Congregatio pro Negotiis Ecclesiasticis Extraordinariis (usque ad 31-xii-1967)

SCong SCR Normae Sacra Congregatio, 7 iul. 1956

SCpC Sacra Congregatio pro Clericis (a 1-i-1968)

SCPF Sacra Congregatio de Propaganda Fide (usque ad 31-xii-1967)

SCR Sacra Congregatio de Religiosis (usque ad 31-xii-1967)

SCRIS Sacra Congregatio pro Religiosis et Institutis Saecularibus (a 1-i-1968)

SCSCD Sacra Congregatio pro Sacramentis et Cultu Divino (a 11-vii-1975)

SCSO Sacra Congregatio Sancti Officii (usque ad 7-xii-1965)

SCSSU Sacra Congregatio de Seminariis et de Studiorum Universitatibus (usque ad 31-xii-1967)

SCUF Secretariatus ad Christianorum Unitatem Fovendam

SDO Paulus PP. VI, m.p. Sacrum diaconatus ordinem, 18 iun. 1967 (AAS 59 [1967] 697-704)

SFS SCIC Litt. circ. Spiritual formation in seminaries, 6 ian. 1980

SE Synodus Episcoporum

Sec Secretaria Status

SN Pius PP. XII, m.p. Sollicitudinem nostram, 6 ian. 1950 (AAS 42 [1950] 5-120)

SOE Paulus PP. VI, m.p. Sollicitudo omnium Ecclesiarum, 24 iun. 1969 (AAS 61 [1969] 473-484)

SPA Sacra Paenitentiaria Apostolica

SpC Pius PP. XII, Const. Ap. Sponsa Christi, 21 nov. 1950 (AAS 43 [1951] 5-24)

SPNC Secretariatus pro non credentibus

SRC Sacra Congregatio Rituum (usque ad 8-v-1969)

SRR Sacra Romana Rota

SRRD Sacrae Romanae Rotae Decisiones seu Sententiae

Ssap PIUS PP. XII, Const. Ap. Sedes sapientiae, 31 maii 1956 (AAS 48 [1956] 334-345)

tit. Titulus

UR Decr. Unitatis redintegratio, 21 nov. 1964 (AAS 57 [1965] 90-112)

UT SE Ultimis temporibus, 30 nov. 1971 (AAS 63 [1971] 898-922)

VS SCRIS Instr. Venite seorsum, 15 aug. 1969 (AAS 61 [1969] 674-690)

APOSTOLIC CONSTITUTION SACRAE DISCIPLINAE LEGES

To our venerable brothers, cardinals, archbishops,

bishops, priests, deacons and to the other members of the people of God,

John Paul, bishop, servant of the servants of God as a perpetual record.

During the course of the centuries the Catholic Church has been accustomed to reform and renew the laws of canonical discipline so that in constant fidelity to its divine founder, they may be better adapted to the saving mission entrusted to it. Prompted by this same purpose and fulfilling at last the expectations of the whole Catholic world, I order today, January 25, 1983, the promulgation of the revised Code of Canon Law. In so doing, my thoughts go back to the same day of the year 1959 when my predecessor of happy memory, John XXIII, announced for the first time his decision to reform the existing corpus of canonical legislation which had been promulgated on the feast of Pentecost in the year 1917.

Such a decision to reform the Code was taken together with two other decisions of which the Pontiff spoke on that same day: the intention to hold a synod of the Diocese of Rome and to convoke an ecumenical council. Of these two events, the first was not closely connected with the reform of the Code; but the second, the council, is of supreme importance in regard to the present matter and is closely connected with it.

If we ask why John XXIII considered it necessary to reform the existing Code, the answer can perhaps be found in the Code itself which was promulgated in the year 1917. But there exists also another answer and it is the decisive one: namely, that the reform of the Code of Canon Law appeared to be definitely desired and requested by the same council which devoted such great attention to the Church.

As is obvious, when the revision of the Code was first announced the council was an event of the future. Moreover, the acts of its magisterium and especially its doctrine on the Church would be decided in the years 1962-1965; however, it is clear to everyone that John XXIII's intuition was very true, and with good reason it must be said that his decision was for the long-term good of the Church.

Therefore the new Code which is promulgated today necessarily required the previous work of the council. Although it was announced together with the ecumenical council, nevertheless it follows it chronologically because the work undertaken in its preparation, which had to be based upon the council, could not begin until after the latter's completion.

Turning our minds today to the beginning of this long journey, to that January 25, 1959 and to John XXIII himself who initiated the revision of the Code, I must recognize that this Code derives from one and the same intention, the renewal of Christian living. From such an intention, in fact, the entire work of the council drew its norms and its direction.

If we now pass on to consider the nature of the work which preceded the promulgation of the Code and also the manner in which it was carried out, especially during the pontificates of Paul VI and John Paul I, and from then until the present day, it must be clearly pointed out that this work was brought to completion in an outstandingly collegial spirit. This applies not only in regard to the material drafting of the work, but also to the very substance of the laws enacted.

This note of collegiality eminently characterizes and distinguishes the process of developing the present Code; it corresponds perfectly with the teaching and the character of the Second Vatican Council. Therefore not only because of its content but also because of its very origin, the Code

manifests the spirit of this council in whose documents the Church, the universal “sacrament of salvation” (dogmatic constitution on the Church Lumen gentium, nn. 1, 9, 48), is presented as the people of God and its hierarchical constitution appears based on the college of bishops united with its head.

For this reason, therefore, the bishops individually and as episcopates were invited to collaborate in the preparation of the new Code so that by means of such a long process, by as collegial a method as possible, juridical formulae would gradually mature which would later serve for the use of the entire Church.

Experts chosen from all over the world also took part in all these phases of the work, specialists in theology, history and especially canon law.

To one and all of them I wish to express today my sentiments of deep gratitude.

In the first place there come before my eyes the figures of the deceased cardinals who presided over the preparatory commission: Cardinal Pietro Ciriaci who began the work, and Cardinal Pericle Felici who, for many years, guided the course of the work almost to its end. I think then of the secretaries of the same commission: Monsignor Giacomo Violardo, later cardinal, and Father Raimondo Bidagor, S.J., both of whom in carrying out this task poured out the treasures of their doctrine and wisdom. Together with them I recall the cardinals, archbishops, bishops and all those who were members of that commission, as well as the consultors of the individual study groups engaged during these years in such a difficult work, and whom God in the meantime has called to their eternal reward. I pray to God for all of them.

I am pleased to remember also the living, beginning with the present propresident of the commission, our venerable brother Archbishop Rosalio Castillo Lara. For a very long time he has done excellent work in a task of such great responsibility. I pass then to our beloved son, Monsignor William Onclin, whose devotion and diligence have greatly contributed to the happy outcome of the work.

I finally mention all the others in the commission itself, whether as cardinal members or as of-ficials, consultors and collaborators in the various study groups, or in other offices who have given their appreciated contribution to the drafting and the completion of such a weighty and complex work.

Therefore, in promulgating the Code today, I am fully aware that this act is an expression of pontifical authority and therefore is invested with a primatial character. But I am also aware that this Code in its objective content reflects the collegial solicitude of all my brothers in the episcopate for the Church.

Indeed, by a certain analogy with the council, it should be considered as the fruit of a collegial collaboration because of the united efforts on the part of specialized persons and institutions throughout the whole Church.

A second question arises concerning the very nature of the Code of Canon Law.

To reply adequately to this question one must mentally recall the distant patrimony of law contained in the books of the Old and New Testament from which is derived the whole juridical-legislative tradition of the Church, as from its first source.

Christ the Lord, indeed, did not in the least wish to destroy the very rich heritage of the law and the prophets which was gradually formed from the history and experience of the people of God in the Old Testament, but he brought it to completion (cf. Mt. 5:17) such that in a new and higher way it became part of the heritage of the New Testament. Therefore, although in expounding the paschal mystery St. Paul teaches that justification is not obtained by the works of the law but by means of faith (cf. Rom. 3:28; Gal. 2:16), he does not thereby exclude the binding force of the Decalogue (cf. Rom. 13:28; Gal. 5:13-25, 6:2), nor does he deny the importance of discipline in the Church of God (cf. I Cor. 5 and 6).

Thus the writings of the New Testament enable us to understand even better the importance of discipline and make us see better how it is more closely connected with the saving character of the evangelical message itself.

This being so, it appears sufficiently clear that the Code is in no way intended as a substitute for faith, grace, charisms, and especially charity in the life of the Church and of the faithful. On the contrary, its purpose is rather to create such an order in the ecclesial society that, while assigning the primacy to love, grace and charisms, it at the same time renders their organic development easier in the life of both the ecclesial society and the individual persons who belong to it.

As the Church's principal legislative document founded on the juridicallegislative heritage of revelation and tradition, the Code is to be regarded as an indispensable instrument to ensure order both in individual and social life, and also in the Church's own activity. Therefore, besides containing the fundamental elements of the hierarchical and organic structure of the Church as willed by her divine founder or as based upon apostolic, or in any case most ancient, tradition, and besides the fundamental principles which govern the exercise of the threefold of-fice entrusted to the Church itself, the Code must also lay down certain rules and norms of behavior.

The instrument which the Code is fully corresponds to the nature of the Church, especially as it is proposed by the teaching of the Second Vatican Council in general and in a particular way by its ecclesiological teaching. Indeed, in a certain sense this new Code could be understood as a great effort to translate this same conciliar doctrine and ecclesiology into canonical language. If, however, it is impossible to translate perfectly into canonical language the conciliar image of the Church, nevertheless the Code must always be referred to this image as the primary pattern whose outline the Code ought to express insofar as it can by its very nature.

From this, certain fundamental criteria are derived which should govern the entire new Code within the limits of its specific matter and of the language appropriate to that material.

It could indeed be said that from this there is derived that note of complementarity which the Code presents in relation to the teaching of the Second Vatican Council, in particular with reference to the two constitutions, the dogmatic constitution Lumen gentium and the pastoral constitution Gaudium et spes.

Hence it follows that what constitutes the substantial newness of the Second Vatican Council, in line with the legislative tradition of the Church, especially in regard to ecclesiology, constitutes likewise the newness of the new Code.

Among the elements which characterize the true and genuine image of the Church we should emphasize especially the following: the doctrine in which the Church is presented as the people of God (cf. dogmatic constitution Lumen gentium, chapter 2) and hierarchical authority as service (cf. ibid., chapter 3); the doctrine in which the Church is seen as a communion and which therefore determines the relations which are to exist between the particular churches and the universal Church, and between collegiality and the primacy; likewise the doctrine according to which all the members of the people of God, in the way suited to each of them, participate in the threefold priestly, prophetic and kingly office of Christ, to which doctrine is also linked that which concerns the duties and rights of the faithful and particularly of the laity; and finally, the Church's commitment to ecumenism.

If, therefore, the Second Vatican Council has drawn both new and old from the treasury of tradition, and the new consists precisely in the elements which I have enumerated, then it is clear that the Code should also reflect the same note of fi-delity in newness and of newness in fidelity, and conform itself to this in its own subject matter and in its own particular manner of expression.

The new Code of Canon Law appears at a moment when the bishops of the whole Church not only are asking for its promulgation, but are crying out for it insistently and almost with impatience.

As a matter of fact, the Code of Canon Law is extremely necessary for the Church. Since the Church is organized as a social and visible structure, it must also have norms: in order that its hierarchical and organic structure be visible; in order that the exercise of the functions divinely entrusted to it, especially that of sacred power and of the administration of the sacraments, may be adequately organized; in order that the mutual relations of the faithful may be regulated according to justice based upon charity, with the rights of individuals guaranteed and well-defined; in order, finally, that

common initiatives undertaken to live a Christian life ever more perfectly may be sustained, strengthened and fostered by canonical norms.

Finally, by their very nature canonical laws are to be observed. The greatest care has therefore been taken to ensure that in the lengthy preparation of the Code the wording of the norms should be accurate, and that they should be based on a solid juridical, canonical and theological foundation.

After all these considerations it is naturally to be hoped that the new canonical legislation will prove to be an efficacious means in order that the Church may progress in conformity with the spirit of the Second Vatican Council and may every day be ever more suited to carry out its office of salvation in this world.

With a confident spirit I am pleased to entrust these considerations of mine to all as I promulgate this fundamental body of ecclesiastical laws for the Latin Church.

May God grant that joy and peace with justice and obedience obtain favor for this Code, and that what has been ordered by the head be observed by the body.

Trusting therefore in the help of divine grace, sustained by the authority of the blessed apostles Peter and Paul, with certain knowledge, in response to the wishes of the bishops of the whole world who have collaborated with me in a collegial spirit, and with the supreme authority with which I am vested, by means of this Constitution, to be valid forever in the future, I promulgate the present Code as it has been set in order and revised. I command that for the future it is to have the force of law for the whole Latin Church, and I entrust it to the watchful care of all those concerned in order that it may be observed. So that all may more easily be informed and have a thorough knowledge of these norms before they have juridical binding force, I declare and order that they will have the force of law beginning from the first day of Advent of this year 1983, and this notwithstanding any contrary ordinances, constitutions, privileges (even worthy of special or individual mention), or customs.

I therefore exhort all the faithful to observe the proposed legislation with a sincere spirit and good will in the hope, that there may flower again in the Church a renewed discipline and that consequently the salvation of souls may be rendered ever more easy under the protection of the Blessed Virgin Mary, Mother of the Church.

Given at Rome, January 25, 1983, from the Vatican Palace, the fifth year of my pontificate.

John Paul II

PREFACE TO THE LATIN EDITION

From the time of the primitive Church it has been customary to collect the sacred canons into one book to facilitate a knowledge of them as well as their use and observance especially by sacred ministers, since “no priest is permitted to be ignorant of the sacred canons” as Pope Celestine warned in a letter to the bishops of Apulia and Calabria (July 21, 429: cf. Jaffe,2 n. 371; Mansi IV, col. 469). His words are echoed by the Fourth Council of Toledo (633), which prescribed the following after the restoration of ecclesiastical discipline in the kingdom of the Visigoths once the Church had been freed from Arianism:

“Priests are to know the sacred scripture and the canons” because “ignorance, the mother of all errors, is especially to be avoided by priests of God” (can. 25: Mansi X, col. 627).

In fact during the first ten centuries nearly everywhere there flourished countless collections of ecclesiastical laws. These private collections contained norms issued especially by the councils and the Roman Pontiffs as well as other norms taken from lesser sources. In the middle of the twelfth century, this mass of collections and norms, not infrequently contradicting one another, was put in order again through the private initiative of the monk Gratian. This concordance of laws and collections, later called the Decretum Gratiani, constituted the first part of that significant collection of laws of the Church which, in imitation of the Corpus Iuris Civilis of the Emperor Justinian, was called the Corpus Iuris Canonici and contained the laws which had been passed during two

centuries by the supreme authority of the Roman pontiffs with the assistance of experts in canon law called glossators. Besides the Decree of Gratian, in which the earlier norms were contained, the Corpus consists of the Liber Extra of Gregory IX, the Liber Sextus of Boniface VIII, the Clementinae, i.e. the collection of Clement V promulgated by John XXII, to which are added the Extravagantes of this pope and the Extravagantes communes, decretals of various Roman pontiffs never gathered in an authentic collection. The ecclesiastical law which this Corpus embraces constitutes the classical law of the Catholic Church and is commonly called by this name.

To this corpus of law of the Latin Church corresponds to some extent the Syntagma canonum or oriental corpus of canons of the Greek Church.

Subsequent laws, especially those enacted by the Council of Trent during the time of the Catholic Reformation and those issued later by various dicasteries of the Roman Curia, were never digested into one collection. This was the reason why during the course of time legislation outside the Corpus Iuris Canonici constituted "an immense pile of laws piled on top of other laws." The lack of a systematic arrangement of the laws and the lack of legal certainty along with the obsolescence of and lacunae in many laws led to a situation where church discipline was increasingly imperiled and jeopardized.

Therefore during the preparatory period prior to the First Vatican Council, many bishops asked that a new and sole collection laws be prepared to expedite the pastoral care of the people of God in a more certain and secure fashion.

Although this task could not be implemented through conciliar action, the Apostolic See subsequently addressed certain more urgent disciplinary issues through a new organization of laws. Finally, Pope Pius X, at the very beginning of his pontificate, undertook this task when he proposed to collect and reform all ecclesiastical laws and determined that the enterprise be carried out under the leadership of Cardinal Pietro Gasparri.

The first issue to be resolved in such a significant and difficult undertaking was the internal and external form of the new collection. It was decided to

forego the method of compilations of laws whereby individual laws would have been expressed in the extensiveness of the original text; rather the modern method of codification was chosen. Hence texts containing and proposing a precept were expressed in a new and briefer form. However, all of the material was organized in five books which substantially imitated the system of Roman law institutes on persons, things and actions. The work took twelve years with the collaboration of experts, consultors and bishops throughout the Church. The character of the new Code was clearly enuntiated in the beginning of canon 6: “The Code generally retains the existing discipline although it introduces appropriate changes.”

Therefore it was not a case of enacting a new law but rather a matter of arranging in a new fashion the operative legislation at that time. After the death of Pius X, this universal, exclusive, and authentic collection was promulgated on May 27, 1917 by his successor Benedict XV; it took effect on May 19, 1918.

Everyone hailed the universal law of this Pio-Benedictine Code, which made a significant contribution to the effective promotion of pastoral ministry throughout the Church, which in the meantime was experiencing new growth. Nevertheless, both the external situation of the Church in a world which had experienced sweeping changes and significant shifts in customs within a few decades as well as progressive internal factors within the ecclesiastical community necessarily brought it about that a new reform of canon law was increasingly more imperative and was requested. The Supreme Pontiff John XXIII clearly recognized the signs of the times, for when he first announced the Roman Synod and the Second Vatican Council, he also announced that these events would be a necessary preparation for undertaking the desired renewal of the Code.

Shortly after the Ecumenical Council had begun, the Commission for the Revision of the Code of Canon Law was established on March 28, 1963 with Cardinal Pietro Ciriaci as president and Monsignor Giacomo Violardo as secretary. However, the cardinal members of the Commission in a meeting with the president on November 12 of that same year agreed that the true and proper efforts of the Commission should be deferred and should commence only at the conclusion of the Council. The reform was to

be carried out according to the decisions and principles to be determined by that same Council. Meanwhile on April 17, 1964 Paul VI added seventy consultors to the Commission established by his predecessor John XXIII; he subsequently named other cardinal members and consultors from all over the world to participate in the expediting of the project. On February 24, 1965 the Supreme Pontiff named Rev. Raimondo Bidagor, S.J. the new secretary of the Commission since Monsignor Violardo had been promoted to the office of secretary of the Congregation for the Discipline of the Sacraments; on November 17 of the same year the pope appointed Monsignor fiilliam Onclin as adjunct secretary of the Commission. After the death of Cardinal Ciriaci, Archbishop Pericle Felici, former general secretary of Vatican Council II, was named pro-president on February 21, 1967. On June 26 of that same year he became a member of the Sacred College of Cardinals and subsequently assumed the office of president of the Commission. Since Father Bidagor ceased functioning as secretary of the Commission on November 1, 1973 on the occasion of his eightieth birthday, Most Reverend Rosalio Castillo Lara, S.D.B., titular bishop of Praecausa and coadjutor bishop of Trujillo, Venezuela, was named the new secretary of the Commission. On May 17, 1982 he was appointed pro-president of the Commission upon the premature death of Cardinal Felici.

On November 20, 1965, just before the closing of the Second Vatican Council, there was a solemn session of the Commission in the presence of the Supreme Pontiff Paul VI, at which were present the cardinal members of the Commission, the secretaries, consultors and officials of the Secretariat appointed in the meantime.

This session publicly inaugurated the work of the Code Commission. The allocution of the Supreme Pontiff laid the foundations of the whole enterprise to a certain extent. It was recalled that canon law flows from the nature of the Church, that it is rooted in the power of jurisdiction entrusted to the Church by Christ, and that its purpose is to be viewed in terms of the care of souls in view of external salvation. Furthermore, the character of church law was illustrated; its necessity was vindicated against the more common objections; the history of the progress of law and its collections was alluded to; and especially there was highlighted the urgent need of a

new reform of the law to respond to the ongoing need of appropriately adapting church discipline to changing circumstances.

The Supreme Pontiff further indicated to the Commission two elements which should underly the whole revision effort. First of all it was not simply a matter of a new organization of the laws as had occurred at the time of the Pio-Benedictine Code; but rather it was also and especially a matter of reforming the norms to accommodate them to a new mentality and new needs even if the old law was to supply the foundation for the work of revision. Careful attention was to be paid to all the decrees and acts of the Second Vatican Council since they contain the main lines of legislative renewal either because norms were issued which directly affected new institutes and ecclesiastical discipline, or because it was necessary that the doctrinal riches of the Council, which contributed so much to pastoral life, have their consequences and necessary impact on canonical legislation.

Repeatedly in allocutions, precepts and decisions during the following years, the two above mentioned elements were recalled to the minds of the Commission members by the Supreme Pontiff, who continued to oversee the whole enterprise from on high and assiduously pursue it.

If the subcommissions or study groups were to carry on their work in a methodical fashion, it was necessary above all that there be identified and approved certain principles which would serve as guidelines during the process of revising the whole Code. The central committee of consultors prepared the text of a document, which, at the request of the Supreme Pontiff, was submitted to the examination of a general session of the synod of bishops in October 1967. The following principles were approved nearly unanimously.

1. In renewing the law the juridic character of the new Code, which the social nature of the Church requires, is to be retained. Therefore the Code is to furnish norms so that the members of the Christian faithful in living the Christian life may share in the goods offered by the Church to lead them to eternal salvation. Hence, in view of this end, the Code must define and protect the rights and obligations of each person towards others and towards

the ecclesiastical society to the extent that these rights and obligations pertain to divine worship and the salvation of souls.

2. There is to be a coordination between the external forum and the internal forum, which is proper to the Church and has been operative for centuries, so as to preclude any conflict between the two.

3. To foster the pastoral care of souls as much as possible, the new law, besides the virtue of justice, is to take cognizance of charity, temperance, humaneness and moderation, whereby equity is to be pursued not only in the application of the laws by pastors of souls but also in the legislation itself.

Hence unduly rigid norms are to be set aside and rather recourse is to be taken to exhortations and persuasions where there is no need of a strict observance of the law on account of the public good and general ecclesiastical discipline.

4. In order that the Supreme Legislator and the bishops may collaborate in the care of souls and may exercise the pastoral office in a more positive fashion, those faculties to dispense from general laws which until now have been extraordinary are to become ordinary with reservations to the supreme power of the universal Church or other higher authorities only in those areas which require an exception on account of the common good.

5. Careful attention is to be given to the greater application of the so-called principle of subsidiarity within the Church. It is a principle which is rooted in a higher one because the office of bishops with its attached powers is a reality of divine law. In virtue of this principle one may defend the appropriateness and even the necessity of providing for the welfare especially of individual institutes through particular laws and the recognition of a healthy autonomy for particular executive power while legislative unity and universal and general law are observed. On the basis of the same principle, the new Code entrusts either to particular laws or to executive power whatever is not necessary for the unity of the discipline of the universal Church so that appropriate provision is made for a healthy “decentralization” while avoiding the danger of division into or the establishment of national churches.

6. On account of the fundamental equality of all members of the Christian faithful and the diversity of offices and functions rooted in the hierarchical order of the Church, it is expedient that the rights of persons be appropriately defined and safeguarded. This brings it about that the exercise of authority appears more clearly as service, that its use is more clearly reinforced, and that abuses are removed.

7. In order that such objectives may be appropriately implemented, it is necessary that particular attention be given to the organization of a procedure which envisions the protection of subjective rights. Therefore in renewing the law attention should be paid to those elements which are most especially lacking in this area, i.e. administrative recourses and the administration of justice.

To achieve this it is necessary that the various functions of ecclesiastical power be clearly distinguished, i.e. the legislative, administrative, and judicial functions. What individual functions are to be exercised by which governmental organs is also to be defined.

8. The principle of territoriality in the exercise of ecclesiastical government is to be revised somewhat, for contemporary apostolic factors seem to recommend personal jurisdictional units. Therefore the new Code is to affirm the following principle: generally speaking the portions of the people of God to be governed are to be determined territorially; however, if it is advantageous, other factors can be admitted as criteria for determining a community of the faithful, at least along with territoriality.

9. As an external, visible and independent society, the Church cannot renounce penal law. However, penalties are generally to be ferendae sententiae and are to be inflicted and remitted only in the external forum. Latae sententiae penalties are to be reduced to a few cases and are to be inflicted only for the most serious offenses.

10. Finally, as is admitted by all, the new systematic arrangement of the Code required by the revision process can only be sketched at the outset but cannot be de-fined and determined precisely. Therefore the new organization of the Code will have to be pursued only after a sufficient

revision of its individual parts, in fact only after nearly the whole work has been completed.

From these principles which ought to guide the process of revising the Code, it is quite clear that there is a need to apply everywhere the doctrine of the Church expressed by the Second Vatican Council, especially its determination that attention is to be paid not only to the external social dimensions of the Mystical Body of Christ but also and especially to its internal life.

And in point of fact the consultors were guided by these principles in drafting the new text of the Code.

Meanwhile a January 15, 1966 letter of the cardinal president of the Commission to the presidents of the conferences of bishops asked the bishops of the whole Catholic world to express their concerns and advice regarding the law to be drafted and the best way of structuring relationships between the conferences of bishops and the Commission so as to maximize their cooperation for the good of the Church. Furthermore, the bishops were also asked to send to the Secretariat of the Commission the names of canonical experts in their respective regions who in the judgment of the bishops were the most distinguished in terms of canonical expertise; the special competence of these experts was also to be indicated. The consultors and their collaborators could be selected and named from these individuals. Actually, at the very beginning and throughout the working of the Commission, besides its cardinal members the following collaborated in the drafting of the new Code of Canon Law: bishops, priests, religious, laity, experts in canon law, theology, pastoral practice, and civil law from all over the Catholic world. During the whole revision process 105 cardinals,
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archbishops and bishops, 73 secular presbyters, 47 religious presbyters, 3 religious women and 12 lay persons from 5 continents and 31 countries served as members, consultors and other types of collaborators with the Commission.

Even before the last session of the Second Vatican Council, the consultors of the Commission were gathered in a private session on May 6, 1965, in

which, with the consent of the Holy Father, the Commission president submitted three fundamental questions for their study. It was asked first whether one or two codes, i.e. Latin and Oriental, were to be drafted; it was also asked what methodology was to be followed in the drafting process or how the Commission and its organs were to proceed; finally, it was asked what would be an appropriate division of labor among the various subcommissions, which would be functioning simultaneously. Reports prepared by three groups established to deal with these questions were forwarded to all the Commission members.

The cardinal members of the Commission met for the second time on November 25, 1965 to discuss these same questions and respond to certain proposals (dubia) formulated concerning them.

A principle regarding the systematic organization of the new Code to be proposed to the synod of bishops was drawn up from a votum of the central committee of consultors, which had met on April 3-7, 1967. After the meeting of the synod, it was deemed appropriate to establish in November, 1967 a special committee of consultors to study the systematic organization of the Code. At a meeting of this committee at the beginning of April, 1968, all agreed on not incorporating in the Code properly liturgical laws, norms on beatification and canonization processes, and norms on the external relations of the Church. All agreed as well that in the part on the people of God there would be placed norms on the juridic status of all members of the Christian faithful and a distinct treatment of the powers and faculties which pertain to the exercise of the different functions and offices. Finally all agreed that the structure of the books of the Pio-Benedictine Code could not be maintained in its integrity.

During the third meeting of the cardinal members of the Commission on May 28, 1968, they substantially approved a temporary arrangement according to which the study groups already established were organized in a new way: “the systematic organization of the Code,” “general norms,” “the sacred hierarchy,” “institutes of perfection,” “laity,” “physical and moral persons in general,” “marriage,” “sacraments other than marriage,” “the ecclesiastical magisterium,” “the patrimonial law of the Church,” “processes,” “penal law.”

The issues dealt with by the study group on “physical and juridic persons” (it was subsequently called this) were later incorporated in the book on “general norms.” Furthermore it was deemed appropriate to establish a study group on “sacred places and times and divine worship.” In view of their broader competence, the names of some other study groups were changed: the group on “the laity” was later called the group on “the rights and associations of the faithful and the laity”; the group on “religious” was later called the group on “institutes of perfection” and finally the group on “institutes of life consecrated through the profession of the evangelical counsels.”

The principal features of the method followed during the more than sixteen year revision process are to be briefly recalled. The consultors of the individual groups fulfilled their significant duties with the greatest dedication, considering only the good of the Church either in preparing written observations on the parts of their own schemata, or in discussing various issues at meetings in Rome at determined times, or in examining the animadversions, observations and opinions on their schemata which were forwarded to the Commission. The procedure was as follows. To each of the consultors, who numbered from eight to fourteen on the individual study groups, was assigned a certain issue which was to be studied in view of the revision process, with the present Code as the point of departure.

After an examination of the questions, each consultor was to transmit a written opinion to the Secretariat of the Commission as well as a copy to the relator and, if time permitted, to all the members of the study group. The consultors of the study group met in Rome according to a predetermined schedule. With the relator leading the discussions, all the questions and opinions were considered until a text of canons was approved, at times after a process of voting on individual parts, and drafted in schema form. During the session the relator was aided by an official who functioned as an actuary.

The number of meetings for each study group was greater or lesser depending on the concrete issues, and the work was carried on for years.

Especially during the latter stages of the process, certain mixed study groups were established so that consultors from different groups could meet

and discuss issues which directly pertained to several groups and had to be resolved through common counsel.

After the drafting of some schemata was completed by the study groups, the Supreme Legislator was asked to give some concrete indications of the subsequent steps to be taken in continuing the work. According to the norms handed down at the time, those steps were as follows.

The schemata together with an explanatory report were sent to the Supreme Pontiff, who determined whether they were to be forwarded for consultation purposes. After this permission was obtained, the printed schemata were submitted to the examination of the universal episcopate and other consultative organs (namely, the dicasteries of the Roman Curia, ecclesiastical universities and faculties, and the Union of Superiors General) in order that they might express their opinion within a prudently determined time frame—not less than six months.

At the same time, the schemata were also forwarded to the cardinal members of the Commission so as to enable them to make their general or particular observations at this stage of the process.

The order in which the schemata were sent is as follows:

1972—the schema on administrative procedure;

1973—the schema on sanctions in the Church;

1975—the schema on the sacraments;

1976—the schema on the procedure for the protection of rights or processes;

1977—the schema on institutes of life consecrated by the profession of the evangelical counsels, the schema on general norms, the schema on the people of God, the schema on the Church's teaching office, the schema on sacred times and places and divine worship, and the schema on the patrimonial law of the Church.

Undoubtedly the revised Code could not have been appropriately prepared without the inestimable and continuous cooperation afforded the Commission by numerous very valid animadversions especially of a pastoral character offered by bishops and conferences of bishops. The bishops submitted very many written animadversions, either general ones on the schemata considered as a whole or particular ones on individual canons.

Of great benefit also were those general and particular animadversions submitted by the sacred congregations, tribunals and other institutes of the Roman Curia, based on their experience in the central government of the Church. This was also true for the scientific and technical proposals and suggestions offered by ecclesiastical universities and faculties reflecting different schools and ways of thinking.

The study, examination and collegial discussion of all the animadversions, general and particular, which were forwarded to the Commission constituted a weighty and veritably immense burden which lasted seven years. The Secretariat of the Commission took pains carefully to organize and synthesize all the animadversions, proposals and suggestions which, after they had been forwarded to the consultors and carefully examined by them, were subsequently collegially discussed in working sessions conducted by the ten study groups.

Every animadversion was considered with the utmost care and diligence. This was true even in the case of animadversions contradicting one another (which frequently happened). Due consideration was given not only to their sociological importance (namely, the number of consultative organs and persons who proposed them), but especially to their doctrinal and pastoral value, their coherence with the doctrine and implementing norms of the Second Vatican Council, the pontifical magisterium, and their necessary coherence with the juridic canonical system when examined from a specifically technical and scientific standpoint. In fact, as often as it was a case of a doubtful matter or when questions of special importance were debated, the opinion of the cardinal members of the Commission was sought during one of their plenary sessions. In other cases in view of the specific matter under discussion, the Congregation for the Doctrine of the

Faith and other dicasteries of the Roman Curia were consulted. Finally, many corrections and changes were incorporated in the canons of the early schemata at the request or suggestion of the bishops and other consultative organs, so that some schemata were entirely renewed or changed.

After all the schemata had been reworked, the Secretariat of the Commission and the consultors undertook a further weighty task. It was a matter of seeing to an internal coordination of all the schemata, of ensuring a uniform terminology throughout especially from a technical-juridic standpoint, of drafting canons in brief and elegant formulations, and finally of definitively determining a systematic organization so that all of the schemata, prepared by distinct study groups, could be integrated into one completely harmonious Code.

The new systematic organization which, as it were, spontaneously emerged slowly during the revision process, is based on two principles, one of which is fidelity to the more general principles already determined by the central committee, the other of which is its practical usefulness so that the new Code can be easily understood and used not only by experts but also by pastors and indeed by all members of the Christian faithful.

The new Code therefore consists of seven books which are entitled: General Norms, The People of God, The Teaching Function of the Church, The Sanctifying Function of the Church, The Temporal Goods of the Church, Sanctions in the Church, and Processes. Even if the different rubrics which precede the individual books of the old and new Code appear to indicate sufficiently the differences between the two systems, nonetheless the systematic innovations of the new Code are much more evident in light of its parts, sections, titles and rubrics. But it is certain that the new organization not only corresponds better to the proper matter and character of canon law than the old organization, but also, and what is of greater importance, the new is more in keeping with the ecclesiology of the Second Vatican Council and those principles flowing from it which were proposed at the very outset of the revision process.

On June 29, 1980, the solemnity of the blessed Apostles Peter and Paul, the printed schema of the whole Code was presented to the Supreme Pontiff,

who decided it was to be forwarded to the cardinal members of the Commission for their de-

finitive examination and judgment. In order to highlight even more the participation of the whole Church in the last phase of the revision process, the Supreme Pontiff determined that other members be added to the Commission, cardinals and even bishops selected from the whole Church, conferences of bishops or councils or groups of conferences of bishops proposing candidates. Thus the expanded Commission numbered seventy-four members. At the beginning of 1981 they forwarded many animadversions which subsequently were subjected to a careful examination, diligent study and collegial discussion by the Secretariat of the Commission, with the help of consultors endowed with special expertise in the individual issues being discussed. A synthesis of all the animadversions together with the responses given by the Secretariat and the consultors was forwarded to the members of the Commission in August, 1981.

A plenary session was convoked by order of the Supreme Pontiff to deliberate on the entire text of the new Code and to cast a definitive vote on it. The session took place October 20-28, 1981 in the aula of the synod of bishops. There was a discussion of six questions of particular weight and importance as well as of other questions proposed at the request of at least ten Fathers. At the end of the plenary session, the Fathers unanimously responded placet (affirmatively) to the following question: whether it pleased the Fathers that, after the examination during the plenary session of the schema of the Code and the emendations already introduced, the same schema along with the changes which had received a majority vote during the plenary session was worthy of being presented as soon as possible to the Supreme Pontiff, who would issue the Code at a time and in a way which seemed best. Consideration was also to be given to other animadversions which had been presented as well as to a certain polishing of the text regarding its style and Latinity (which tasks were entrusted to the president and the Secretariat).

The entire text of the Code thereby reworked and approved was enlarged by the addition of canons from the schema on the Fundamental Law of the Church which had to be inserted in the Code in light of the material with

which they dealt. After the Latin style of the text was further polished, it was printed and given to the Supreme Pontiff on April 22, 1982 with a view toward promulgation.

The Supreme Pontiff, however, personally reviewed this latest schema with the help of certain experts and in consultation with the pro-president of the Pontifical Commission for the Revision of the Code of Canon Law. After mature consideration the Supreme Pontiff decreed that the new Code was to be promulgated on January 25, 1983, i.e., the anniversary of the first announcement by Pope John XXIII of the undertaking of the Code's revision.

Since after nearly twenty years the pontifical commission established for this purpose has felicitously completed the difficult task entrusted to it, there is now available to pastors and other members of the Christian faithful the most recent law of the Church, which is characterized by simplicity, precision, elegance and true legal science. Furthermore, since it is fully pervaded by charity, equity, humanity and a true Christian spirit, it attempts to correspond to the divinely given external and internal characteristics of the Church. It also seeks to take cognizance of the conditions and needs of the contemporary world. But if on account of the excessively swift changes in contemporary human society certain elements of the new law become less perfect and require a new review, the Church is endowed with such a wealth of resources that, not unlike prior centuries, it will be able to undertake the task of renewing the laws of its life.

Now, however, the law can no longer be unknown. Pastors have at their disposal secure norms by which they may correctly direct the exercise of the sacred ministry. To each person is given a source of knowing his or her own proper rights and duties. Arbitrariness in acting can be precluded. Abuses which perhaps have crept into ecclesiastical discipline because of a lack of legislation can be more easily rooted out and prevented. Finally, all the works, institutes and initiatives of the apostolate may progress expeditiously and may be promoted since a healthy juridic organization is quite necessary for the ecclesiastical community to live, grow and flourish. May our most gracious God grant this through the intercession of the

Blessed Virgin Mary, the Mother of the Church, her spouse St. Joseph, Patron of the Church, and Saints Peter and Paul.

BOOK I. GENERAL NORMS LIBER I. DE NORMIS GENERALIBUS

Can. 1 The canons of this Code regard only the Latin Church.

Can. 2 For the most part the Code does not define the rites which must be observed in celebrating liturgical actions. Therefore, liturgical laws in force until now retain their force unless one of them is contrary to the canons of the Code.

Can. 3 The canons of the Code neither abrogate nor derogate from the agreements entered into by the Apostolic See with nations or other political societies. These agreements therefore continue in force exactly as at present, notwithstanding contrary prescripts of this Code.

Can. 4 Acquired rights and privileges granted to physical or juridic persons up to this time by the Apostolic See remain intact if they are in use and have not been revoked, unless the canons of this Code expressly revoke them.

Can. 5 §1. Universal or particular customs presently in force which are contrary to the prescripts of these canons and are reprobated by the canons of this Code are absolutely suppressed and are not permitted to revive in the future. Other contrary customs are also considered suppressed unless the Code expressly provides otherwise or unless they are centenary or immemorial customs which can be tolerated if, in the judgment of the ordinary, they cannot be removed due to the circumstances of places and persons.

§2. Universal or particular customs beyond the law (praeter ius) which are in force until now are preserved.

Can. 6 §1. When this Code takes force, the following are abrogated:

1/ the Code of Canon Law promulgated in 1917;

2/ other universal or particular laws contrary to the prescripts of this Code unless other provision is expressly made for particular laws;

3/ any universal or particular penal laws whatsoever issued by the Apostolic See unless they are contained in this Code;

4/ other universal disciplinary laws regarding matter which this Code completely reorders.

§2. Insofar as they repeat former law, the canons of this Code must be assessed also in accord with canonical tradition.

TITLE I. ECCLESIASTICAL LAWS (Cann. 7 - 22)

Can. 7 A law is established when it is promulgated.

Can. 8 §1. Universal ecclesiastical laws are promulgated by publication in the official commentary, Acta Apostolicae Sedis, unless another manner of promulgation has been prescribed in particular cases. They take force only after three months have elapsed from the date of that issue of the Acta unless they bind immediately from the very nature of the matter, or the law itself has specifically and expressly established a shorter or longer suspensive period (vacatio).

§2. Particular laws are promulgated in the manner determined by the legislator and begin to oblige a month after the day of promulgation unless the law itself establishes another time period.

Can. 9 Laws regard the future, not the past, unless they expressly provide for the past.

Can. 10 Only those laws must be considered invalidating or disqualifying which expressly establish that an act is null or that a person is effected.

Can. 11 Merely ecclesiastical laws bind those who have been baptized in the Catholic Church or received into it, possess the efficient use of reason, and, unless the law expressly provides otherwise, have completed seven years of age.

Can. 12 §1. Universal laws bind everywhere all those for whom they were issued.

§2. All who are actually present in a certain territory, however, are exempted from universal laws which are not in force in that territory.

§3. Laws established for a particular territory bind those for whom they were issued as well as those who have a domicile or quasi-domicile there and who at the same time are actually residing there, without prejudice to the prescript of ⇒ can. 13.

Can. 13 §1. Particular laws are not presumed to be personal but territorial unless it is otherwise evident.

§2. Travelers are not bound:

1/ by the particular laws of their own territory as long as they are absent from it unless either the transgression of those laws causes harm in their own territory or the laws are personal;

2/ by the laws of the territory in which they are present, with the exception of those laws which provide for public order, which determine the formalities of acts, or which regard immovable goods located in the territory.

§3. Transients are bound by both universal and particular laws which are in force in the place where they are present.

Can. 14 Laws, even invalidating and disqualifying ones, do not oblige when there is a doubt about the law. When there is a doubt about a fact, however, ordinaries can dispense from laws provided that, if it concerns a reserved dispensation, the authority to whom it is reserved usually grants it.

Can. 15 §1. Ignorance or error about invalidating or disqualifying laws does not impede their effect unless it is expressly established otherwise.

§2. Ignorance or error about a law, a penalty, a fact concerning oneself, or a notorious fact concerning another is not presumed; it is presumed about a fact concerning another which is not notorious until the contrary is proven.

Can. 16 §1. The legislator authentically interprets laws as does the one to whom the same legislator has entrusted the power of authentically interpreting.

§2. An authentic interpretation put forth in the form of law has the same force as the law itself and must be promulgated. If it only declares the words of the law which are certain in themselves, it is retroactive; if it restricts or extends the law, or if it explains a doubtful law, it is not retroactive.

§3. An interpretation in the form of a judicial sentence or of an administrative act in a particular matter, however, does not have the force of law and only binds the persons for whom and affects the matters for which it was given.

Can. 17 Ecclesiastical laws must be understood in accord with the proper meaning of the words considered in their text and context. If the meaning remains doubtful and obscure, recourse must be made to parallel places, if there are such, to the purpose and circumstances of the law, and to the mind of the legislator.

Can. 18 Laws which establish a penalty, restrict the free exercise of rights, or contain an exception from the law are subject to strict interpretation.

Can. 19 If a custom or an express prescript of universal or particular law is lacking in a certain matter, a case, unless it is penal, must be resolved in light of laws issued in similar matters, general principles of law applied with canonical equity, the jurisprudence and practice of the Roman Curia, and the common and constant opinion of learned persons.

Can. 20 A later law abrogates, or derogates from, an earlier law if it states so expressly, is directly contrary to it, or completely reorders the entire matter of the earlier law. A universal law, however, in no way derogates from a particular or special law unless the law expressly provides otherwise.

Can. 21 In a case of doubt, the revocation of a pre-existing law is not presumed, but later laws must be related to the earlier ones and, insofar as

possible, must be harmonized with them.

Can. 22 Civil laws to which the law of the Church yields are to be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless canon law provides otherwise.

TITLE II. CUSTOM (Cann. 23 - 28)

Can. 23 Only that custom introduced by a community of the faithful and approved by the legislator according to the norm of the following canons has the force of law.

Can. 24 §1. No custom which is contrary to divine law can obtain the force of law.

§2. A custom contrary to or beyond canon law (praeter ius canonicum) cannot obtain the force of law unless it is reasonable; a custom which is expressly reprobated in the law, however, is not reasonable.

Can. 25 No custom obtains the force of law unless it has been observed with the intention of introducing a law by a community capable at least of receiving law.

Can. 26 Unless the competent legislator has specifically approved it, a custom contrary to the canon law now in force or one beyond a canonical law (praeter legem canonicam) obtains the force of law only if it has been legitimately observed for thirty continuous and complete years. Only a centenary or immemorial custom, however, can prevail against a canonical law which contains a clause prohibiting future customs.

Can. 27 Custom is the best interpreter of laws.

Can. 28 Without prejudice to the prescript of ⇒ can. 5, a contrary custom or law revokes a custom which is contrary to or beyond the law (praeter legem). Unless it makes express mention of them, however, a law does not revoke centenary or immemorial customs, nor does a universal law revoke particular customs

TITLE III. GENERAL DECREES AND INSTRUCTIONS (Cann. 29 - 34)

Can. 29 General decrees, by which a competent legislator issues common prescripts for a community capable of receiving law, are laws properly speaking and are governed by the prescripts of the canons on laws.

Can. 30 A person who possesses only executive power is not able to issue the general decree mentioned in ⇒ can. 29 unless, in particular cases, it has been expressly granted to that person by a competent legislator according to the norm of law and the conditions stated in the act of the grant have been observed.

Can. 31 §1. Those who possess executive power are able to issue, within the limits of their competence, general executory decrees, namely, those which more precisely determine the methods to be observed in applying the law or which urge the observance of laws.

§2. With respect to the promulgation and suspensive period (vacatio) of the decrees mentioned in §1, the prescripts of ⇒ can. 8 are to be observed.

Can. 32 General executory decrees oblige those who are bound by the laws whose methods of application the same decrees determine or whose observance they urge.

Can. 33 §1. General executory decrees, even if they are issued in directories or in documents of another name, do not derogate from laws, and their prescripts which are contrary to laws lack all force.

§2. Such decrees cease to have force by explicit or implicit revocation made by competent authority as well as by cessation of the law for whose execution they were given. They do not, however, cease when the authority of the one who established them expires unless the contrary is expressly provided.

Can. 34 §1. Instructions clarify the prescripts of laws and elaborate on and determine the methods to be observed in fulfilling them. They are given for the use of those whose duty it is to see that laws are executed and oblige them in the execution of the laws. Those who possess executive power legitimately issue such instructions within the limits of their competence.

§2. The ordinances of instructions do not derogate from laws. If these ordinances cannot be reconciled with the prescripts of laws, they lack all force.

§3. Instructions cease to have force not only by explicit or implicit revocation of the competent authority who issued them or of the superior of that authority but also by the cessation of the law for whose clarification or execution they were given.

TITLE IV. SINGULAR ADMINISTRATIVE ACTS (Cann. 35 - 93)

CHAPTER I. COMMON NORMS

Can. 35 A singular administrative act, whether it is a decree, a precept, or a rescript, can be issued by one who possesses executive power within the limits of that person's competence, without prejudice to the prescript of ⇒ can. 76, §1.

Can. 36 §1. An administrative act must be understood according to the proper meaning of the words and the common manner of speaking. In a case of doubt, those which refer to litigation, pertain to threatening or inflicting penalties, restrict the rights of a person, injure the acquired rights of others, or are contrary to a law which benefits private persons are subject to a strict interpretation; all others are subject to a broad interpretation.

§2. An administrative act must not be extended to other cases besides those expressed.

Can. 37 An administrative act which regards the external forum must be put in writing.

Furthermore, if it is given in commissariat form, the act of its execution must be put in writing.

Can. 38 An administrative act, even if it is a rescript given motu proprio, lacks effect insofar as it injures the acquired right of another or is contrary to a law or approved custom, unless the competent authority has expressly added a derogating clause.

Can. 39 Conditions in an administrative act are considered added for validity only when they are expressed by the particles if (si), unless (nisi), or provided that (dummodo).

Can. 40 The executor of any administrative act invalidly carries out his or her function before receiving the relevant letter and verifying its authenticity and integrity, unless previous notice of the letter had been communicated to the executor by authority of the one who issued the act.

Can. 41 The executor of an administrative act to whom is entrusted merely the task of execution cannot refuse the execution of this act unless it clearly appears that the act itself is null or cannot be upheld for another grave cause, or the conditions attached to the administrative act itself have not been fulfilled. Nevertheless, if the execution of the administrative act seems inopportune due to the circumstances of person or place, the executor is to suspend the execution. In such cases the executor is to inform immediately the authority who issued the act.

Can. 42 The executor of an administrative act must proceed according to the norm of the mandate. If, however, the executor did not fulfill the essential conditions attached to the relevant letter and did not observe the substantial form of proceeding, the execution is invalid.

Can. 43 The executor of an administrative act can, according to his or her prudent judgment, substitute another as executor unless substitution has been forbidden, the executor has been chosen for personal qualifications, or a substitute has been predetermined. In these cases, however, the executor may entrust the preparatory acts to another.

Can. 44 The executor's successor in office can also execute an administrative act unless the executor was chosen for personal qualifications.

Can. 45 If the executor has erred in any way in the execution of an administrative act, the executor is permitted to execute the same act again.

Can. 46 An administrative act does not cease when the authority of the one who established it expires unless the law expressly provides otherwise.

Can. 47 The revocation of an administrative act by another administrative act of a competent authority takes effect only from the moment at which the revocation is legitimately made known to the person for whom it has been given.

CHAPTER II. SINGULAR DECREES AND PRECEPTS

Can. 48 A singular decree is an administrative act issued by a competent executive authority in which a decision is given or a provision is made for a particular case according to the norms of law. Of their nature, these decisions or provisions do not presuppose a petition made by someone.

Can. 49 A singular precept is a decree which directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law.

Can. 50 Before issuing a singular decree, an authority is to seek out the necessary information and proofs and, insofar as possible, to hear those whose rights can be injured.

Can. 51 A decree is to be issued in writing, with the reasons at least summarily expressed if it is a decision.

Can. 52 A singular decree has force only in respect to the matters which it decides and for the persons for whom it was given. It obliges these persons everywhere, however, unless it is otherwise evident.

Can. 53 If decrees are contrary to one another, a particular decree prevails over a general in those matters which are specifically expressed. If they are equally particular or equally general, the decree later in time modifies the earlier to the extent that the later one is contrary to it.

Can. 54 §1. A singular decree whose application is entrusted to an executor takes effect from the moment of execution; otherwise, from the moment it is made known to the person by the authority of the one who issued it.

§2. To be enforced, a singular decree must be made known by a legitimate document according to the norm of law.

Can. 55 Without prejudice to the prescripts of cann. ⇒ 37 and ⇒ 51, when a very grave reason prevents the handing over of the written text of a decree, the decree is considered to have been made known if it is read to the person to whom it is destined in the presence of a notary or two witnesses. After a written record of what has occurred has been prepared, all those present must sign it.

Can. 56 A decree is considered to have been made known if the one for whom it is destined has been properly summoned to receive or hear the decree but, without a just cause, did not appear or refused to sign.

Can. 57 §1. Whenever the law orders a decree to be issued or an interested party legitimately proposes a petition or recourse to obtain a decree, the competent authority is to provide for the matter within three months from the receipt of the petition or recourse unless the law prescribes some other time period.

§2. When this time period has passed, if the decree has not yet been given, the response is presumed to be negative with respect to the presentation of further recourse.

§3. A presumed negative response does not exempt the competent authority from the obligation of issuing the decree and even of repairing the damage possibly incurred, according to the norm of ⇒ can. 128.

Can. 58 §1. A singular decree ceases to have force through legitimate revocation by competent authority as well as through cessation of the law for whose execution it was given.

§2. A singular precept not imposed by a legitimate document ceases when the authority of the one who issued it expires.

CHAPTER III. RESCRIPTS

Can. 59 §1. A rescript is an administrative act issued in writing by competent executive authority; of its very nature, a rescript grants a privilege, dispensation, or other favor at someone’s request.

§2. The prescripts established for rescripts are valid also for the oral granting of a permission or favors unless it is otherwise evident.

Can. 60 Any rescript can be requested by all those who are not expressly prohibited from doing so.

Can. 61 Unless it is otherwise evident, a rescript can be requested for another even without the person's assent and has force before the person's acceptance, without prejudice to contrary clauses.

Can. 62 A rescript in which no executor is given has effect at the moment the letter is given; other rescripts, at the moment of execution.

Can. 63 §1. Subreption, or concealment of the truth, prevents the validity of a rescript if in the request those things were not expressed which according to law, style, and canonical practice must be expressed for validity, unless it is a rescript of favor which is given motu proprio.

§2. Obreption, or a statement of falsehood, also prevents the validity of a rescript if not even one proposed motivating reason is true.

§3. The motivating reason in rescripts for which there is no executor must be true at the time when the rescript is given; in others, at the time of execution.

Can. 64 Without prejudice to the authority of the Penitentiary for the internal forum, a favor denied by any dicastery of the Roman Curia cannot be granted validly by any other dicastery of the same Curia or by another competent authority below the Roman Pontiff without the assent of the dicastery before which the matter was initiated.

Can. 65 §1. Without prejudice to the prescripts of §§2 and 3, no one is to petition from another ordinary a favor denied by one's own ordinary unless mention of the denial has been made. When this mention has been made, however, the ordinary is not to grant the favor unless he has obtained the reasons for the denial from the prior ordinary.

§2. A favor denied by a vicar general or by an episcopal vicar cannot be granted validly by another vicar of the same bishop even if the reasons for the denial have been obtained from the vicar who denied it.

§3. A favor denied by a vicar general or by an episcopal vicar and afterwards obtained from the diocesan bishop without any mention made of this denial is invalid. A favor denied by a diocesan bishop, however, even if mention is made of the denial, cannot be obtained validly from his vicar general or episcopal vicar without the consent of the bishop.

Can. 66 A rescript does not become invalid due to an error in the name of the person to whom it is given or by whom it is issued, or of the place where the person resides, or in the matter concerned, provided that, in the judgment of the ordinary, there is no doubt about the person or the matter.

Can. 67 §1. If it happens that two contrary rescripts are obtained for one and the same thing, the particular prevails over the general in those matters which are particularly expressed.

§2. If they are equally particular or equally general, the earlier in time prevails over the later unless there is express mention of the earlier one in the later one or unless the person who obtained the earlier one has not used the rescript out of malice or notable negligence.

§3. In a case of doubt whether a rescript is invalid or not, recourse is to be made to the one who issued it.

Can. 68 A rescript of the Apostolic See in which no executor is given must be presented to the ordinary of the one who obtained it only when it is prescribed in the same letter, or it concerns public matters, or it is necessary that conditions be verified.

Can. 69 A rescript for whose presentation no time is specified can be shown to the executor at any time, provided that there is neither fraud nor malice.

Can. 70 If in a rescript the granting of a favor is entrusted to an executor, it is up to the prudent judgment and conscience of the executor to grant or deny the favor.

Can. 71 No one is bound to use a rescript given only in his or her favor unless bound to do so by a canonical obligation from another source.

Can. 72 Rescripts granted by the Apostolic See which have expired can be extended once by the diocesan bishop for a just cause, but not beyond three months.

Can. 73 Rescripts are not revoked by a contrary law unless the law itself provides otherwise.

Can. 74 Although one can use in the internal forum a favor granted orally, the person is bound to prove the favor in the external forum whenever someone legitimately requests it.

Can. 75 If a rescript contains a privilege or dispensation, the prescripts of the following canons are also to be observed.

CHAPTER IV. PRIVILEGES

Can. 76 §1. A privilege is a favor given through a particular act to the benefit of certain physical or juridic persons; it can be granted by the legislator as well as by an executive authority to whom the legislator has granted this power.

§2. Centenary or immemorial possession induces the presumption that a privilege has been granted.

Can. 77 A privilege must be interpreted according to the norm of ⇒ can. 36, §1, but that interpretation must always be used by which the beneficiaries of a privilege actually obtain some favor.

Can. 78 §1. A privilege is presumed to be perpetual unless the contrary is proved.

§2. A personal privilege, namely one which follows the person, is extinguished with that person's death.

§3. A real privilege ceases through the complete destruction of the thing or place; a local privilege, however, revives if the place is restored within fifty

years.

Can. 79 A privilege ceases through revocation by the competent authority according to the norm of ⇒ can. 47, without prejudice to the prescript of ⇒ can. 81.

Can. 80 §1. No privilege ceases through renunciation unless the competent authority has accepted the renunciation.

§2. Any physical person can renounce a privilege granted only in that person's favor.

§3. Individual persons cannot renounce a privilege granted to some juridic person or granted in consideration of the dignity of a place or of a thing, nor is a juridic person free to renounce a privilege granted to it if the renunciation brings disadvantage to the Church or to others.

Can. 81 A privilege is not extinguished when the authority of the one who granted it expires unless it has been given with the clause, at our good pleasure (ad beneplacitum nostrum), or some other equivalent expression.

Can. 82 A privilege which is not burdensome to others does not cease through non-use or contrary use. If it is to the disadvantage of others, however, it is lost if legitimate prescription takes place.

Can. 83 §1. A privilege ceases through the lapse of the time period or through the completion of the number of cases for which it had been granted, without prejudice to the prescript of ⇒ can. 142, §2.

§2. It also ceases if, in the judgment of the competent authority, circumstances are so changed in the course of time that it becomes harmful or its use illicit.

Can. 84 One who abuses the power given by a privilege deserves to be deprived of that privilege.

Therefore, when the holder of a privilege has been warned in vain, an ordinary is to deprive the one who gravely abuses it of a privilege which he

himself has granted. If the privilege was granted by the Apostolic See, however, an ordinary is bound to notify the Apostolic See.

CHAPTER V. DISPENSATIONS

Can. 85 A dispensation, or the relaxation of a merely ecclesiastical law in a particular case, can be granted by those who possess executive power within the limits of their competence, as well as by those who have the power to dispense explicitly or implicitly either by the law itself or by legitimate delegation.

Can. 86 Laws are not subject to dispensation to the extent that they define those things which are essentially constitutive of juridic institutes or acts.

Can. 87 §1. A diocesan bishop, whenever he judges that it contributes to their spiritual good, is able to dispense the faithful from universal and particular disciplinary laws issued for his territory or his subjects by the supreme authority of the Church. He is not able to dispense, however, from procedural or penal laws nor from those whose dispensation is specially reserved to the Apostolic See or some other authority.

§2. If recourse to the Holy See is difficult and, at the same time, there is danger of grave harm in delay, any ordinary is able to dispense from these same laws even if dispensation is reserved to the Holy See, provided that it concerns a dispensation which the Holy See is accustomed to grant under the same circumstances, without prejudice to the prescript of ⇒ can. 291.

Can. 88 A local ordinary is able to dispense from diocesan laws and, whenever he judges that it contributes to the good of the faithful, from laws issued by a plenary or provincial council or by the conference of bishops.

Can. 89 A pastor and other presbyters or deacons are not able to dispense from universal and particular law unless this power has been expressly granted to them.

Can. 90 §1. One is not to be dispensed from an ecclesiastical law without a just and reasonable cause, after taking into account the circumstances of the case and the gravity of the law from which dispensation is given; otherwise

the dispensation is illicit and, unless it is given by the legislator himself or his superior, also invalid.

§2. In a case of doubt concerning the sufficiency of the cause, a dispensation is granted validly and licitly.

Can. 91 Even when outside his territory, one who possesses the power to dispense is able to exercise it with respect to his subjects even though they are absent from the territory, and, unless the contrary is expressly established, also with respect to travelers actually present in the territory, as well as with respect to himself.

Can. 92 A dispensation is subject to a strict interpretation according to the norm of ⇒ can. 36, §1, as is the very power to dispense granted for a particular case.

Can. 93 A dispensation which has successive application ceases in the same ways as a privilege as well as by the certain and total cessation of the motivating cause.

TITLE V. STATUTES AND RULES OF ORDER (Cann. 94 - 95)

Can. 94 §1. Statutes in the proper sense are ordinances which are established according to the norm of law in aggregates of persons (universitates personarum) or of things (universitates rerum) and which define their purpose, constitution, government, and methods of operation.

§2. The statutes of an aggregate of persons (universitas personarum) bind only the persons who are its legitimate members; the statutes of an aggregate of things (universitas rerum), those who direct it.

§3. Those prescripts of statutes established and promulgated by virtue of legislative power are governed by the prescripts of the canons on laws.

Can. 95 §1. Rules of order (ordines) are rules or norms, which must be observed in meetings, whether convened by ecclesiastical authority or freely convoked by the Christian faithful, as well as in other celebrations.

They define those things which pertain to the constitution, direction, and ways of proceeding.

§2. These rules of order bind those who participate in these assemblies or celebrations.

TITLE VI. PHYSICAL AND JURIDIC PERSONS (Cann. 96 - 123)

CHAPTER I. THE CANONICAL CONDITION OF PHYSICAL PERSONS

Can. 96 By baptism one is incorporated into the Church of Christ and is constituted a person in it with the duties and rights which are proper to Christians in keeping with their condition, insofar as they are in ecclesiastical communion and unless a legitimately issued sanction stands in the way.

Can. 97 §1. A person who has completed the eighteenth year of age has reached majority; below this age, a person is a minor.

§2. A minor before the completion of the seventh year is called an infant and is considered not responsible for oneself (non sui compos). With the completion of the seventh year, however, a minor is presumed to have the use of reason.

Can. 98 §1. A person who has reached majority has the full exercise of his or her rights.

§2. A minor, in the exercise of his or her rights, remains subject to the authority of parents or guardians except in those matters in which minors are exempted from their authority by divine law or canon law. In what pertains to the appointment of guardians and their authority, the prescripts of civil law are to be observed unless canon law provides otherwise or unless in certain cases the diocesan bishop, for a just cause, has decided to provide for the matter through the appointment of another guardian.

Can. 99 Whoever habitually lacks the use of reason is considered not responsible for oneself (non sui compos) and is equated with infants.

Can. 100 A person is said to be: a resident (incola) in the place where the person has a domicile; a temporary resident (advena) in the place where the person has a quasi-domicile; a traveler (peregrinus) if the person is outside the place of a domicile or quasi-domicile which is still retained; a transient (vagus) if the person does not have a domicile or quasi- domicile anywhere.

Can. 101 §1. The place of origin of a child, even of a neophyte, is that in which the parents had a domicile or, lacking that, a quasi-domicile when the child was born or, if the parents did not have the same domicile or quasi-domicile, that of the mother.

§2. In the case of a child of transients, the place of origin is the actual place of birth; in the case of an abandoned child, it is the place where the child was found.

Can. 102 §1. Domicile is acquired by that residence within the territory of a certain parish or at least of a diocese, which either is joined with the intention of remaining there permanently unless called away or has been protracted for five complete years.

§2. Quasi-domicile is acquired by residence within the territory of a certain parish or at least of a diocese, which either is joined with the intention of remaining there for at least three months unless called away or has in fact been protracted for three months.

§3. A domicile or quasi-domicile within the territory of a parish is called parochial; within the territory of a diocese, even though not within a parish, diocesan.

Can. 103 Members of religious institutes and societies of apostolic life acquire a domicile in the place where the house to which they are attached is located; they acquire a quasi-domicile in the house where they are residing, according to the norm of ⇒ can. 102, §2.

Can. 104 Spouses are to have a common domicile or quasi-domicile; by reason of legitimate separation or some other just cause, both can have their own domicile or quasi-domicile.

Can. 105 §1. A minor necessarily retains the domicile and quasi-domicile of the one to whose power the minor is subject. A minor who is no longer an infant can also acquire a quasi-domicile of one's own; a minor who is legitimately emancipated according to the norm of civil law can also acquire a domicile of one's own.

§2. Whoever for some other reason than minority has been placed legitimately under the guardianship or care of another has the domicile and quasi-domicile of the guardian or curator.

Can. 106 Domicile and quasi-domicile are lost by departure from a place with the intention of not returning, without prejudice to the prescript of ⇒ can. 105.

Can. 107 §1. Through both domicile and quasi-domicile, each person acquires his or her pastor and ordinary.

§2. The proper pastor or ordinary of a transient is the pastor or local ordinary where the transient is actually residing.

§3. The proper pastor of one who has only a diocesan domicile or quasi-domicile is the pastor of the place where the person is actually residing.

Can. 108 §1. Consanguinity is computed through lines and degrees.

§2. In the direct line there are as many degrees as there are generations or persons, not counting the common ancestor.

§3. In the collateral line there are as many degrees as there are persons in both the lines together, not counting the common ancestor.

Can. 109 §1. Affinity arises from a valid marriage, even if not consummated, and exists between a man and the blood relatives of the woman and between the woman and the blood relatives of the man.

§2. It is so computed that those who are blood relatives of the man are related in the same line and degree by affinity to the woman, and vice versa.

Can. 110 Children who have been adopted according to the norm of civil law are considered the children of the person or persons who have adopted them.

Can. 111 §1. Through the reception of baptism, the child of parents who belong to the Latin Church is enrolled in it, or, if one or the other does not belong to it, both parents have chosen by mutual agreement to have the offspring baptized in the Latin Church. If there is no mutual agreement, however, the child is enrolled in the ritual Church to which the father belongs.

§2. Anyone to be baptized who has completed the fourteenth year of age can freely choose to be baptized in the Latin Church or in another ritual Church sui iuris; in that case, the person belongs to the Church which he or she has chosen.

Can. 112 §1. After the reception of baptism, the following are enrolled in another ritual Church sui iuris:

1/ a person who has obtained permission from the Apostolic See;

2/ a spouse who, at the time of or during marriage, has declared that he or she is transferring to the ritual Church sui iuris of the other spouse; when the marriage has ended, however, the person can freely return to the Latin Church;

3/ before the completion of the fourteenth year of age, the children of those mentioned in nn. 1 and 2 as well as, in a mixed marriage, the children of the Catholic party who has legitimately transferred to another ritual Church; on completion of their fourteenth year, however, they can return to the Latin Church.

§2. The practice, however prolonged, of receiving the sacraments according to the rite of another ritual Church sui iuris does not entail enrollment in that Church.

CHAPTER II. JURIDIC PERSONS

Can. 113 §1. The Catholic Church and the Apostolic See have the character of a moral person by divine ordinance itself.

§2. In the Church, besides physical persons, there are also juridic persons, that is, subjects in canon law of obligations and rights which correspond to their nature.

Can. 114 §1. Juridic persons are constituted either by the prescript of law or by special grant of competent authority given through a decree. They are aggregates of persons (universitates personarum) or of things (universitates rerum) ordered for a purpose which is in keeping with the mission of the Church and which transcends the purpose of the individuals.

§2. The purposes mentioned in §1 are understood as those which pertain to works of piety, of the apostolate, or of charity, whether spiritual or temporal.

§3. The competent authority of the Church is not to confer juridic personality except on those aggregates of persons (universitates personarum) or things (universitates rerum) which pursue a truly useful purpose and, all things considered, possess the means which are foreseen to be efficient to achieve their designated purpose.

Can. 115 §1. Juridic persons in the Church are either aggregates of persons (universitates personarum) or aggregates of things (universitates rerum).

§2. An aggregate of persons (universitas personarum), which can be constituted only with at least three persons, is collegial if the members determine its action through participation in rendering decisions, whether by equal right or not, according to the norm of law and the statutes; otherwise it is non-collegial.

§3. An aggregate of things (universitas rerum), or an autonomous foundation, consists of goods or things, whether spiritual or material, and either one or more physical persons or a college directs it according to the norm of law and the statutes.

Can. 116 §1. Public juridic persons are aggregates of persons (universitates personarum) or of things (universitates rerum) which are constituted by competent ecclesiastical authority so that, within the purposes set out for them, they fulfill in the name of the Church, according to the norm of the prescripts of the law, the proper function entrusted to them in view of the public good; other juridic persons are private.

§2. Public juridic persons are given this personality either by the law itself or by a special decree of competent authority expressly granting it. Private juridic persons are given this personality only through a special decree of competent authority expressly granting it.

Can. 117 No aggregate of persons (universitas personarum) or of things (universitas rerum), intending to obtain juridic personality, is able to acquire it unless competent authority has approved its statutes.

Can. 118 Representing a public juridic person and acting in its name are those whose competence is acknowledged by universal or particular law or by its own statutes. Representing a private juridic person are those whose competence is granted by statute.

Can. 119 With regard to collegial acts, unless the law or statutes provide otherwise:

1/ if it concerns elections, when the majority of those who must be convoked are present, that which is approved by the absolute majority of those present has the force of law; after two indecisive ballots, a vote is to be taken on the two candidates who have obtained the greater number of votes or, if there are several, on the two senior in age; after the third ballot, if a tie remains, the one who is senior in age is considered elected;

2/ if it concerns other affairs, when an absolute majority of those who must be convoked are present, that which is approved by the absolute majority of those present has the force of law; if after two ballots the votes are equal, the one presiding can break the tie by his or her vote;

3/ what touches all as individuals, however, must be approved by all.

Can. 120 §1. A juridic person is perpetual by its nature; nevertheless, it is extinguished if it is legitimately suppressed by competent authority or has ceased to act for a hundred years. A private juridic person, furthermore, is extinguished if the association is dissolved according to the norm of its statutes or if, in the judgment of competent authority, the foundation has ceased to exist according to the norm of its statutes.

§2. If even one of the members of a collegial juridic person survives, and the aggregate of persons (universitas personarum) has not ceased to exist according to its statutes, that member has the exercise of all the rights of the aggregate (universitas).

Can. 121 If aggregates of persons (universitates personarum) or of things (universitates rerum), which are public juridic persons, are so joined that from them one aggregate (universitas) is constituted which also possesses juridic personality, this new juridic person obtains the goods and patrimonial rights proper to the prior ones and assumes the obligations with which they were burdened. With regard to the allocation of goods in particular and to the fulfillment of obligations, however, the intention of the founders and donors as well as acquired rights must be respected.

Can. 122 If an aggregate (universitas) which possesses public juridic personality is so divided either that a part of it is united with another juridic person or that a distinct public juridic person is erected from the separated part, the ecclesiastical authority competent to make the division, having observed before all else the intention of the founders and donors, the acquired rights, and the approved statutes, must take care personally or through an executor:

1/ that common, divisible, patrimonial goods and rights as well as debts and other obligations are divided among the juridic persons concerned, with due proportion in equity and justice, after all the circumstances and needs of each have been taken into account;

2/ that the use and usufruct of common goods which are not divisible accrue to each juridic person and that the obligations proper to them are imposed upon each, in due proportion determined in equity and justice.

Can. 123 Upon the extinction of a public juridic person, the allocation of its goods, patrimonial rights, and obligations is governed by law and its statutes; if these give no indication, they go to the juridic person immediately superior, always without prejudice to the intention of the founders and donors and acquired rights. Upon the extinction of a private juridic person, the allocation of its goods and obligations is governed by its own statutes.

TITLE VII. JURIDIC ACTS (Cann. 124 - 128)

Can. 124 §1. For the validity of a juridic act it is required that the act is placed by a qualified person and includes those things which essentially constitute the act itself as well as the formalities and requirements imposed by law for the validity of the act.

§2. A juridic act placed correctly with respect to its external elements is presumed valid.

Can. 125 §1. An act placed out of force inflicted on a person from without, which the person was not able to resist in any way, is considered as never to have taken place.

§2. An act placed out of grave fear, unjustly inflicted, or out of malice is valid unless the law provides otherwise. It can be rescinded, however, through the sentence of a judge, either at the instance of the injured party or of the party's successors in law, or ex officio.

Can. 126 An act placed out of ignorance or out of error concerning something which constitutes its substance or which amounts to a condition sine qua non is invalid. Otherwise it is valid unless the law makes other provision. An act entered into out of ignorance or error, however, can give rise to a rescissory action according to the norm of law.

Can. 127 §1. When it is established by law that in order to place acts a superior needs the consent or counsel of some college or group of persons, the college or group must be convoked according to the norm of ⇒ can. 166 unless, when it concerns seeking counsel only, particular or proper law provides otherwise. For such acts to be valid, however, it is required that the

consent of an absolute majority of those present is obtained or that the counsel of all is sought.

§2. When it is established by law that in order to place acts a superior needs the consent or counsel of certain persons as individuals:

1/ if consent is required, the act of a superior who does not seek the consent of those persons or who acts contrary to the opinion of all or any of them is invalid;

2/ if counsel is required, the act of a superior who does not hear those persons is invalid; although not obliged to accept their opinion even if unanimous, a superior is nonetheless not to act contrary to that opinion, especially if unanimous, without a reason which is overriding in the superior's judgment.

§3. All whose consent or counsel is required are obliged to offer their opinion sincerely and, if the gravity of the affair requires it, to observe secrecy diligently; moreover, the superior can insist upon this obligation.

Can. 128 Whoever illegitimately inflicts damage upon someone by a juridic act or by any other act placed with malice or negligence is obliged to repair the damage inflicted.

TITLE VIII. THE POWER OF GOVERNANCE (Cann. 129 - 144)

Can. 129 §1. Those who have received sacred orders are qualified, according to the norm of the prescripts of the law, for the power of governance, which exists in the Church by divine institution and is also called the power of jurisdiction.

§2. Lay members of the Christian faithful can cooperate in the exercise of this same power according to the norm of law.

Can. 130 Of itself, the power of governance is exercised for the external forum; sometimes, however, it is exercised for the internal forum alone, so that the effects which its exercise is meant to have for the external forum

are not recognized there, except insofar as the law establishes it in determined cases.

Can. 131 §1. The ordinary power of governance is that which is joined to a certain office by the law itself; delegated, that which is granted to a person but not by means of an office.

§2. The ordinary power of governance can be either proper or vicarious.

§3. The burden of proving delegation rests on the one who claims to have been delegated.

Can. 132 §1. Habitual faculties are governed by the prescripts for delegated power.
§2. Nevertheless, unless the grant expressly provides otherwise or the ordinary was chosen for personal qualifications, a habitual faculty granted to an ordinary is not withdrawn when the authority of the ordinary to whom it was granted expires, even if he has begun to execute it, but the faculty transfers to any ordinary who succeeds him in governance.

Can. 133 §1. A delegate who exceeds the limits of the mandate with respect to either matters or persons does not act at all.

§2. A delegate who carries out those things for which the person was delegated in some manner other than that determined in the mandate is not considered to exceed the limits of the mandate unless the manner was prescribed for validity by the one delegating.

Can. 134 §1. In addition to the Roman Pontiff, by the title of ordinary are understood in the law diocesan bishops and others who, even if only temporarily, are placed offer some particular church or a community equivalent to it according to the norm of ⇒ can. 368 as well as those who possess general ordinary executive power in them, namely, vicars general and episcopal vicars; likewise, for their own members, major superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right who at least possess ordinary executive power.

§2. By the title of local ordinary are understood all those mentioned in §1 except the superiors of religious institutes and of societies of apostolic life.

§3. Within the context of executive power, those things which in the canons are attributed by name to the diocesan bishop are understood to belong only to a diocesan bishop and to the others made equivalent to him in ⇒ can. 381, §2, excluding the vicar general and episcopal vicar except by special mandate.

Can. 135 §1. The power of governance is distinguished as legislative, executive, and judicial.

§2. Legislative power must be exercised in the manner prescribed by law; that which a legislator below the supreme authority possesses in the Church cannot be validly delegated unless the law explicitly provides otherwise. A lower legislator cannot validly issue a law contrary to higher law.

§3. Judicial power, which judges or judicial colleges possess, must be exercised in the manner prescribed by law and cannot be delegated except to perform acts preparatory to some decree or sentence.

§4. In what pertains to the exercise of executive power, the prescripts of the following canons are to be observed.

Can. 136 Unless the nature of the matter or a prescript of law establishes otherwise, a person is able to exercise executive power offer his subjects, even when he or they are outside his territory; he is also able to exercise this power offer travelers actually present in the territory if it concerns granting favors or executing universal laws or particular laws which bind them according to the norm of ⇒ can. 13, §2, n. 2.

Can. 137 §1. Ordinary executive power can be delegated both for a single act and for all cases unless the law expressly provides otherwise.

§2. Executive power delegated by the Apostolic See can be subdelegated for a single act or for all cases unless the delegate was chosen for personal

qualifications or subdelegation was expressly forbidden.

§3. Executive power delegated by another authority who has ordinary power can be subdelegated only for individual cases if it was delegated for all cases. If it was delegated for a single act or for determined acts, however, it cannot be subdelegated except by express grant of the one delegating.

§4. No subdelegated power can be subdelegated again unless the one delegating has expressly granted this.

Can. 138 Ordinary executive power as well as power delegated for all cases must be interpreted broadly; any other, however, must be interpreted strictly. Nevertheless, one who has delegated power is understood to have been granted also those things without which the delegate cannot exercise this power.

Can. 139 §1. Unless the law determines otherwise, the fact that a person approaches some competent authority, even a higher one, does not suspend the executive power, whether ordinary or delegated, of another competent authority.

§2. Nevertheless, a lower authority is not to become involved in cases submitted to a higher authority except for a grave and urgent cause; in this case, the lower authority is immediately to notify the higher concerning the matter.

Can. 140 §1. When several persons have been delegated in solidum to transact the same affair, the one who first begins to deal with it excludes the others from doing so unless that person subsequently was impeded or did not wish to proceed further in carrying it out.

§2. When several persons have been delegated collegially to transact an affair, all must proceed according to the norm of ⇒ can. 119 unless the mandate has provided otherwise.

§3. Executive power delegated to several persons is presumed to be delegated to them in solidum.

Can. 141 When several persons have been delegated successively, that person is to take care of the affair whose mandate is the earlier and has not been subsequently revoked.

Can. 142 §1. Delegated power ceases: by fulfillment of the mandate; by expiration of the time or completion of the number of cases for which it was granted; by cessation of the purpose for the delegation; by revocation of the one delegating directly communicated to the delegate as well as by resignation of the delegate made known to and accepted by the one delegating. It does not cease, however, when the authority of the one delegating expires unless this appears in attached clauses.

§2. Nevertheless, an act of delegated power which is exercised for the internal forum alone and is placed inadvertently after the lapse of the time limit of the grant is valid.

Can. 143 §1. Ordinary power ceases by loss of the office to which it is connected.

§2. Unless the law provides otherwise, ordinary power is suspended if, legitimately, an appeal is made or a recourse is lodged against privation of or removal from office.

Can. 144 §1. In factual or legal common error and in positive and probable doubt of law or of fact, the Church supplies executive power of governance for both the external and internal forum.

§2. The same norm is applied to the faculties mentioned in cann. ⇒ 882, ⇒ 883, ⇒ 966, and ⇒ 1111, §1.

TITLE IX. ECCLESIASTICAL OFFICES (Cann. 145 - 196)

Can. 145 §1. An ecclesiastical office is any function constituted in a stable manner by divine or ecclesiastical ordinance to be exercised for a spiritual purpose.

§2. The obligations and rights proper to individual ecclesiastical offices are defined either in the law by which the office is constituted or in the decree of the competent authority by which the office is at the same time constituted and conferred.

CHAPTER I. PROVISION OF ECCLESIASTICAL OFFICE

Can. 146 An ecclesiastical office cannot be acquired validly without canonical provision.

Can. 147 The provision of an ecclesiastical office is made: through free conferral by a competent ecclesiastical authority; through installation by the same authority if presentation preceded it; through confirmation or admission granted by the same authority if election or postulation preceded it; finally, through simple election and acceptance by the one elected if the election does not require confirmation.

Can. 148 The provision of offices is also the competence of the authority to whom it belongs to erect, change, and suppress them unless the law establishes otherwise.

Can. 149 §1. To be promoted to an ecclesiastical office, a person must be in the communion of the Church as well as suitable, that is, endowed with those qualities which are required for that office by universal or particular law or by the law of the foundation.

§2. Provision of an ecclesiastical office made to one who lacks the requisite qualities is invalid only if the qualities are expressly required for the validity of the provision by universal or particular law or by the law of the foundation. Otherwise it is valid but can be rescinded by decree of competent authority or by sentence of an administrative tribunal.

§3. Provision of an office made as a result of simony is invalid by the law itself.

Can. 150 An office which entails the full care of souls and for whose fulfillment the exercise of the priestly order is required cannot be conferred

validly on one who is not yet a priest.

Can. 151 The provision of an office which entails the care of souls is not to be deferred without a grave cause.

Can. 152 Two or more incompatible offices, that is, offices which together cannot be fulfilled at the same time by the same person, are not to be conferred upon one person.

Can. 153 §1. The provision of an office which by law is not vacant is by that fact invalid and is not validated by subsequent vacancy.

§2. Nevertheless, if it concerns an office which by law is conferred for a determined period of time, provision can be made within six months before the expiration of this time and takes effect from the day of the vacancy of the office.

§3. A promise of some office, no matter by whom it is made, produces no juridic effect.

Can. 154 An office vacant by law, which may still be possessed illegitimately by someone, can be conferred provided that it has been declared properly that the possession is not legitimate and mention of this declaration is made in the letter of conferral.

Can. 155 A person who confers an office in the place of another who is negligent or impeded acquires no power thereafter offer the person upon whom the office was conferred. The juridic condition of that person, however, is established just as if the provision had been completed according to the ordinary norm of law.

Can. 156 The provision of any office is to be put in writing.

Art. 1. FREE CONFERRAL

Can. 157 Unless the law explicitly establishes otherwise, it is for the diocesan bishop to provide for ecclesiastical offices in his own particular church by free conferral.

Art. 2. PRESENTATION

Can. 158 §1. Presentation for an ecclesiastical office by a person who has the right of presentation must be made to the authority to whom it belongs to install in that office. Moreover, this must be done within three months from notice of the vacancy of the office unless other provision has been made legitimately.

§2. If some college or group of persons has the right of presentation, the person to be presented is to be designated according to the prescripts of ⇒ cann. 165-179.

Can. 159 No one is to be presented unwillingly; therefore, a person who is proposed for presentation and questioned about his or her intention can be presented unless the person declines within eight useful days.

Can. 160 §1. The person who possesses the right of presentation can present one or even several persons, either at the same time or successively.

§2. No one can present oneself; a college or group of persons, however, can present one of its own members.

Can. 161 §1. Unless the law establishes otherwise, a person who has presented one found unsuitable can present another candidate within a month, but once more only.

§2. If the person presented renounces or dies before the installation, the one who has the right of presentation can exercise this right again within a month from the notice of the renunciation or death.

Can. 162 A person who has not made presentation within the useful time according to the norm of ⇒ can. 158, §1 and ⇒ can. 161 as well as one who has twice presented an unsuitable person loses the right of presentation for that case. The authority to whom it belongs to install freely provides for the vacant office, with the assent, however, of the proper ordinary of the person appointed.

Can. 163 The authority competent to install the person presented according to the norm of law is to install the one legitimately presented whom the authority has found suitable and who has accepted. If several persons legitimately presented have been found suitable, the authority must install one of them.

Art. 3. ELECTION

Can. 164 Unless the law has provided otherwise, the prescripts of the following canons are to be observed in canonical elections.

Can. 165 Unless the law or the legitimate statutes of a college or group have provided otherwise, if a college or group of persons has the right of election to office, the election is not to be delayed beyond three months of useful time computed from the notice of the vacancy of the office. If this limit has passed without action, the ecclesiastical authority who has the right of confirming the election or the right of providing for the office successively is to make provision freely for the vacant office.

Can. 166 §1. The person presiding offer a college or group is to convoke all those belonging to the college or group; the notice of convocation, however, when it must be personal, is valid if it is given in the place of domicile or quasi-domicile or in the place of residence.

§2. If anyone of those to be convoked was overlooked and for that reason was absent, the election is valid. Nevertheless, at the instance of that same person and when the oversight and absence have been proved, the election must be rescinded by the competent authority even if it has been confirmed, provided that it is evident juridically that recourse had been made at least within three days from the notice of the election.

§3. If more than one-third of the electors were overlooked, however, the election is null by the law itself unless all those overlooked were in fact present.

Can. 167 §1. When the notice of the convocation has been given legitimately, those present on the day and at the place determined in the

same notice have the right to vote. The faculty of voting by letter or proxy is excluded unless the statutes legitimately provide otherwise.

§2. If one of the electors is present in the house where the election occurs but cannot be present at the election due to ill health, his or her written vote is to be sought by the tellers.

Can. 168 Even if a person has the right to vote in his or her own name under several titles, the person can vote only once.

Can. 169 For an election to be valid, no one can be admitted to vote who does not belong to the college or group.

Can. 170 An election whose freedom actually has been impeded in any way is invalid by the law itself.

Can. 171 §1. The following are effected to vote:

1/ a person incapable of a human act;

2/ a person who lacks active voice;

3/ a person under a penalty of excommunication whether through a judicial sentence or through a decree by which a penalty is imposed or declared;

4/ a person who has defected notoriously from the communion of the Church.

§2. If one of the above is admitted, the person's vote is null, but the election is valid unless it is evident that, with that vote subtracted, the one elected did not receive the required number of votes.

Can. 172 §1. To be valid, a vote must be:

1/ free; therefore the vote of a person who has been coerced directly or indirectly by grave fear or malice to vote for a certain person or different persons separately is invalid;

2/ secret, certain, absolute, determined.

§2. Conditions attached to a vote before the election are to be considered as not having been added.

Can. 173 §1. Before an election begins, at least two tellers are to be designated from the membership of the college or group.

§2. The tellers are to collect the votes, to examine in the presence of the one presiding offer the election whether the number of ballots corresponds to the number of electors, to count the votes themselves, and to announce openly how many votes each person has received.

§3. If the number of votes exceeds the number of electors, the voting is without effect.

§4. All the acts of an election are to be transcribed accurately by the secretary and are to be preserved carefully in the archive of the college after they have been signed at least by the same secretary, the one presiding, and the tellers.

Can. 174 §1. Unless the law or the statutes provide otherwise, an election can also be done by compromise, provided that the electors, by unanimous and written consent, transfer the right to elect on that occasion to one or more suitable persons, whether from among the membership or outside it, who are to elect in the name of all by virtue of the faculty received.

§2. If it concerns a college or group composed of clerics alone, those commissioned must be ordained; otherwise the election is invalid.

§3. Those commissioned must observe the prescripts of the law concerning elections and, for the validity of the election, the conditions attached to the compromise agreement which are not contrary to the law; conditions contrary to the law, however, are to be considered as not having been attached.

Can. 175 The compromise ceases and the right to vote returns to those authorizing the compromise:

1/ by revocation by the college or group before any action was taken;

2/ if some condition attached to the compromise agreement was not fulfilled;

3/ if the election had been completed but was null.

Can. 176 Unless the law or the statutes provide otherwise, the person who has received the required number of votes according to the norm of ⇒ can. 119, n. 1 is considered elected and is to be announced as such by the one presiding offer the college or group.

Can. 177 §1. An election must be communicated immediately to the person elected who must inform the one presiding offer the college or group whether or not he or she accepts the election within eight useful days after receiving the notification; otherwise, the election has no effect.

§2. If the one elected has not accepted, the person loses every right deriving from the election and does not regain any right by subsequent acceptance but can be elected again. A college or group, however, must proceed to a new election within a month from notifcation of non-acceptance.

Can. 178 The person elected who has accepted an election which does not need confirmation obtains the office in full right immediately; otherwise, the person acquires only the right to the office.

Can. 179 §1. If the election requires confirmation, the person elected must personally or through another seek confirmation from the competent authority within eight useful days from the day of acceptance of election; otherwise, the person is deprived of every right unless it has been proved that the person was prevented from seeking confirmation by a just impediment.

§2. The competent authority cannot deny confirmation if the person elected has been found suitable according to the norm of ⇒ can. 149, §1, and the election was conducted according to the norm of law.

§3. Confirmation must be given in writing.

§4. Before being notified of confirmation, the person elected is not permitted to become involved in the administration of the office, whether in matters spiritual or temporal, and acts possibly placed by the person are null.

§5. Once notified of the confirmation, the one elected obtains the office in full right unless the law provides otherwise.

Art. 4. POSTULATION

Can. 180 §1. If a canonical impediment from which a dispensation can be and customarily is granted prevents the election of a person whom the electors believe to be more suitable and whom they prefer, by their votes they can postulate that person from the competent authority unless the law provides otherwise.

§2. Those commissioned to elect in virtue of a compromise cannot postulate unless this was expressed in the compromise.

Can. 181 §1. At least two-thirds of the votes are required for a postulation to have force.

§2. A vote for postulation must be expressed by the words, I postulate, or the equivalent. The formula, I elect or I postulate, or the equivalent is valid for election if there is no impediment; otherwise it is valid for postulation.

Can. 182 §1. A postulation must be sent within eight useful days by the one presiding to the authority competent to confirm the election, to whom it pertains to grant the dispensation from the impediment, or, if the authority does not have this power, to petition the dispensation from a higher authority. If confirmation is not required, a postulation must be sent to the authority competent to grant the dispensation.

§2. If a postulation has not been sent within the prescribed time, by that fact it is null, and the college or group is deprived of the right of electing or postulating for that occasion unless it is proved that the one presiding had been prevented from sending the postulation by a just impediment or had refrained from sending it at the opportune time by malice or negligence.

§3. The person postulated acquires no right by postulation; the competent authority is not obliged to admit the postulation.

§4. Electors cannot revoke a postulation made to a competent authority unless the authority consents.

Can. 183 §1. If a postulation has not been admitted by the competent authority, the right of electing reverts to the college or group.

§2. If a postulation has been admitted, however, this is to be made known to the person postulated, who must respond according to the norm of ⇒ can. 177, §1.

§3. A person who accepts a postulation which has been admitted acquires the office in full right immediately.

CHAPTER II. LOSS OF ECCLESIASTICAL OFFICE

Can. 184 §1. An ecclesiastical office is lost by the lapse of a predetermined time, by reaching the age determined by law, by resignation, by transfer, by removal, and by privation.

§2. An ecclesiastical office is not lost by the expiration in any way of the authority of the one who conferred it unless the law provides otherwise.

§3. Loss of an office which has taken effect is to be made known as soon as possible to all those who have some right offer the provision of the office.

Can. 185 The title of emeritus can be conferred upon a person who loses an office by reason of age or of resignation which has been accepted.

Can. 186 Loss of an office by the lapse of a predetermined time or by the reaching of a certain age takes effect only from the moment when the competent authority communicates it in writing.

Art. 1. RESIGNATION

Can. 187 Anyone responsible for oneself (sui compos) can resign from an ecclesiastical ofWce for a just cause.

Can. 188 A resignation made out of grave fear that is inflicted unjustly or out of malice, substantial error, or simony is invalid by the law itself.

Can. 189 §1. To be valid, a resignation, whether it requires acceptance or not, must be made to the authority to whom it pertains to make provision of the office in question; this must be done either in writing, or orally in the presence of two witnesses.

§2. The authority is not to accept a resignation which is not based on a just and proportionate cause.

§3. A resignation which requires acceptance lacks all force if it is not accepted within three months; one which does not require acceptance takes effect when it has been communicated by the one resigning according to the norm of law.

§4. A resignation can be revoked by the one resigning as long as it has not taken effect; once it has taken effect it cannot be revoked, but the one who resigned can obtain the office by some other title.

Art. 2. TRANSFER

Can. 190 §1. A transfer can be made only by a person who has the right of providing for the office which is lost as well as for the office which is conferred.

§2. If a transfer is made when the officeholder is unwilling, a grave cause is required and the manner of proceeding prescribed by law is to be observed, always without prejudice to the right of proposing contrary arguments.

§3. To take effect a transfer must be communicated in writing.

Can. 191 §1. In a transfer, the prior office becomes vacant through the canonical possession of the other office unless the law provides otherwise or competent authority has prescribed otherwise.

§2. The person transferred receives the remuneration assigned to the prior office until the person has taken canonical possession of the other office.

Art. 3. REMOVAL

Can. 192 A person is removed from office either by a decree issued legitimately by competent authority, without prejudice to rights possibly acquired by contract, or by the law itself according to the norm of ⇒ can. 194.

Can. 193 §1. A person cannot be removed from an office conferred for an indefinite period of time except for grave causes and according to the manner of proceeding defined by law.

§2. The same is valid for the removal of a person from an office conferred for a definite period of time before this time has elapsed, without prejudice to the prescript of ⇒ can. 624, §3.

§3. A person upon whom an office is conferred at the prudent discretion of a competent authority according to the prescripts of the law can, upon the judgment of the same authority, be removed from that office for a just cause.

§4. To take effect, the decree of removal must be communicated in writing.

Can. 194 §1. The following are removed from an ecclesiastical office by the law itself:

1/ a person who has lost the clerical state;

2/ a person who has publicly defected from the Catholic faith or from the communion of the Church;

3/ a cleric who has attempted marriage even if only civilly.

§2. The removal mentioned in nn. 2 and 3 can be enforced only if it is established by the declaration of a competent authority.

Can. 195 If a person is removed not by the law itself but by a decree of competent authority from an office which provides the person's support, the same authority is to take care that the support is provided for a suitable period, unless other provision is made.

Art. 4. PRIVATION

Can. 196 §1. Privation from office, namely, a penalty for a delict, can be done only according to the norm of law.

§2. Privation takes effect according to the prescripts of the canons on penal law.

TITLE X. PRESCRIPTION (Cann. 197 - 199)

Can. 197 The Church receives prescription as it is in the civil legislation of the nation in question, without prejudice to the exceptions which are established in the canons of this Code; prescription is a means of acquiring or losing a subjective right as well as of freeing oneself from obligations.

Can. 198 No prescription is valid unless it is based in good faith not only at the beginning but through the entire course of time required for prescription, without prejudice to the prescript of ⇒ Can. 1362.

Can. 199 The following are not subject to prescription:

1/ rights and obligations which are of the divine natural or positive law;

2/ rights which can be obtained from apostolic privilege alone;

3/ rights and obligations which directly regard the spiritual life of the Christian faithful;

4/ the certain and undoubted boundaries of ecclesiastical territories;

5/ Mass offerings and obligations;

6/ provision of an ecclesiastical office which, according to the norm of law, requires the exercise of a sacred order;

7/ the right of visitation and the obligation of obedience, in such a way that the Christian faithful cannot be visited by any ecclesiastical authority or are no longer subject to any authority.

TITLE XI. COMPUTATION OF TIME (Cann. 200 - 203)

Can. 200 Unless the law expressly provides otherwise, time is to be computed according to the norm of the following canons.

Can. 201 §1. Continuous time is understood as that which undergoes no interruption.

§2. Useful time is understood as that which a person has to exercise or to pursue a right, so that it does not run for a person who is unaware or unable to act.

Can. 202 §1. In law, a day is understood as a period consisting of 24 continuous hours and begins at midnight unless other provision is expressly made; a week is a period of 7 days; a month is a period of 30 days, and a year is a period of 365 days unless a month and a year are said to be taken as they are in the calendar.

§2. If time is continuous, a month and a year must always be taken as they are in the calendar.

Can. 203 §1. The initial day (a quo) is not computed in the total unless its beginning coincides with the beginning of the day or the law expressly provides otherwise.

§2. Unless the contrary is established, the final day (ad quem) is computed in the total which, if the time consists of one or more months or years, or

one or more weeks, is reached at the end of the last day of the same number or, if a month lacks a day of the same number, at the end of the last day of the month.

BOOK II. THE PEOPLE OF GOD LIBER II. DE POPULO DEI

PART I. THE CHRISTIAN FAITHFUL (Cann. 204 - 207)

Can. 204 §1. The Christian faithful are those who, inasmuch as they have been incorporated in Christ through baptism, have been constituted as the people of God. For this reason, made sharers in their own way in Christ's priestly, prophetic, and royal function, they are called to exercise the mission which God has entrusted to the Church to fulfill in the world, in accord with the condition proper to each.

§2. This Church, constituted and organized in this world as a society, subsists in the Catholic Church governed by the successor of Peter and the bishops in communion with him.

Can. 205 Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structure by the bonds of the profession of faith, the sacraments, and ecclesiastical governance.

Can. 206 §1. Catechumens, that is, those who ask by explicit choice under the influence of the Holy Spirit to be incorporated into the Church, are joined to it in a special way. By this same desire, just as by the life of faith, hope, and charity which they lead, they are united with the Church which already cherishes them as its own.

§2. The Church has a special care for catechumens; while it invites them to lead a life of the gospel and introduces them to the celebration of sacred rites, it already grants them various prerogatives which are proper to Christians.

Can. 207 §1. By divine institution, there are among the Christian faithful in the Church sacred ministers who in law are also called clerics; the other members of the Christian faithful are called lay persons.

§2. There are members of the Christian faithful from both these groups who, through the profession of the evangelical counsels by means of vows or other sacred bonds recognized and sanctioned by the Church, are consecrated to God in their own special way and contribute to the salvific mission of the Church; although their state does not belong to the

hierarchical structure of the Church, it nevertheless belongs to its life and holiness.

TITLE I. THE OBLIGATIONS AND RIGHTS OF ALL THE CHRISTIAN FAITHFUL (Cann. 208 - 223)

Can. 208 From their rebirth in Christ, there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one's own condition and function.

Can. 209 §1. The Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church.

§2. With great diligence they are to fulfill the duties which they owe to the universal Church and the particular church to which they belong according to the prescripts of the law.

Can. 210 All the Christian faithful must direct their efforts to lead a holy life and to promote the growth of the Church and its continual sanctification, according to their own condition.

Can. 211 All the Christian faithful have the duty and right to work so that the divine message of salvation more and more reaches all people in every age and in every land.

Can. 212 §1. Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church.

§2. The Christian faithful are free to make known to the pastors of the Church their needs, especially spiritual ones, and their desires.

§3. According to the knowledge, competence, and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with

reverence toward their pastors, and attentive to common advantage and the dignity of persons.

Can. 213 The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments.

Can. 214 The Christian faithful have the right to worship God according to the prescripts of their own rite approved by the legitimate pastors of the Church and to follow their own form of spiritual life so long as it is consonant with the doctrine of the Church.

Can. 215 The Christian faithful are at liberty freely to found and direct associations for purposes of charity or piety or for the promotion of the Christian vocation in the world and to hold meetings for the common pursuit of these purposes.

Can. 216 Since they participate in the mission of the Church, all the Christian faithful have the right to promote or sustain apostolic action even by their own undertakings, according to their own state and condition. Nevertheless, no undertaking is to claim the name Catholic without the consent of competent ecclesiastical authority.

Can. 217 Since they are called by baptism to lead a life in keeping with the teaching of the gospel, the Christian faithful have the right to a Christian education by which they are to be instructed properly to strive for the maturity of the human person and at the same time to know and live the mystery of salvation.

Can. 218 Those engaged in the sacred disciplines have a just freedom of inquiry and of expressing their opinion prudently on those matters in which they possess expertise, while observing the submission due to the magisterium of the Church.

Can. 219 All the Christian faithful have the right to be free from any kind of coercion in choosing a state of life.

Can. 220 No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

Can. 221 §1. The Christian faithful can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum according to the norm of law.

§2. If they are summoned to a trial by a competent authority, the Christian faithful also have the right to be judged according to the prescripts of the law applied with equity.

§3. The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law.

Can. 222 §1. The Christian faithful are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity, and for the decent support of ministers.

§2. They are also obliged to promote social justice and, mindful of the precept of the Lord, to assist the poor from their own resources.

Can. 223 §1. In exercising their rights, the Christian faithful, both as individuals and gathered together in associations, must take into account the common good of the Church, the rights of others, and their own duties toward others.

§2. In view of the common good, ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful.

TITLE II. THE OBLIGATIONS AND RIGHTS OF THE LAY CHRISTIAN FAITHFUL (Cann. 224 - 231)

Can. 224 In addition to those obligations and rights which are common to all the Christian faithful and those which are established in other canons, the lay Christian faithful are bound by the obligations and possess the rights which are enumerated in the canons of this title.

Can. 225 §1. Since, like all the Christian faithful, lay persons are designated by God for the apostolate through baptism and confirmation, they are bound by the general obligation and possess the right as individuals, or joined in associations, to work so that the divine message of salvation is made known and accepted by all persons everywhere in the world. This obligation is even more compelling in those circumstances in which only through them can people hear the gospel and know Christ.

§2. According to each one's own condition, they are also bound by a particular duty to imbue and perfect the order of temporal affairs with the spirit of the gospel and thus to give witness to Christ, especially in carrying out these same affairs and in exercising secular functions.

Can. 226 §1. According to their own vocation, those who live in the marital state are bound by a special duty to work through marriage and the family to build up the people of God.

§2. Since they have given life to their children, parents have a most grave obligation and possess the right to educate them. Therefore, it is for Christian parents particularly to take care of the Christian education of their children according to the doctrine handed on by the Church.

Can. 227 The lay Christian faithful have the right to have recognized that freedom which all citizens have in the affairs of the earthly city. When using that same freedom, however, they are to take care that their actions are imbued with the spirit of the gospel and are to heed the doctrine set forth by the magisterium of the Church. In matters of opinion, moreover, they are to avoid setting forth their own opinion as the doctrine of the Church.

Can. 228 §1. Lay persons who are found suitable are qualified to be admitted by the sacred pastors to those ecclesiastical offices and functions which they are able to exercise according to the precepts of the law.

§2. Lay persons who excel in necessary knowledge, prudence, and integrity are qualified to assist the pastors of the Church as experts and advisors, even in councils according to the norm of law.

Can. 229 §1. Lay persons are bound by the obligation and possess the right to acquire knowledge of Christian doctrine appropriate to the capacity and condition of each in order for them to be able to live according to this doctrine, announce it themselves, defend it if necessary, and take their part in exercising the apostolate.

§2. They also possess the right to acquire that fuller knowledge of the sacred sciences which are taught in ecclesiastical universities and faculties or in institutes of religious sciences, by attending classes there and pursuing academic degrees.

§3. If the prescripts regarding the requisite suitability have been observed, they are also qualified to receive from legitimate ecclesiastical authority a mandate to teach the sacred sciences.

Can. 230 §1. Lay men who possess the age and qualifications established by decree of the conference of bishops can be admitted on a stable basis through the prescribed liturgical rite to the ministries of lector and acolyte.

Nevertheless, the conferral of these ministries does not grant them the right to obtain support or remuneration from the Church.

§2. Lay persons can fulfill the function of lector in liturgical actions by temporary designation. All lay persons can also perform the functions of commentator or cantor, or other functions, according to the norm of law.

§3. When the need of the Church warrants it and ministers are lacking, lay persons, even if they are not lectors or acolytes, can also supply certain of their duties, namely, to exercise the ministry of the word, to preside offer liturgical prayers, to confer baptism, and to distribute Holy Communion, according to the prescripts of the law.

Can. 231 §1. Lay persons who permanently or temporarily devote themselves to special service of the Church are obliged to acquire the appropriate formation required to fulfill their function properly and to carry out this function conscientiously, eagerly, and diligently.

§2. Without prejudice to the prescript of ⇒ can. 230, §1 and with the prescripts of civil law having been observed, lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided.

TITLE III. SACRED MINISTERS OR CLERICS (Cann. 232 - 293)

CHAPTER I. THE FORMATION OF CLERICS

Can. 232 The Church has the duty and the proper and exclusive right to form those who are designated for the sacred ministries.

Can. 233 §1. The duty of fostering vocations rests with the entire Christian community so that the needs of the sacred ministry in the universal Church are provided for sufficiently. This duty especially binds Christian families, educators, and, in a special way, priests, particularly pastors. Diocesan bishops, who most especially are to be concerned for promoting vocations, are to teach the people entrusted to them of the importance of the sacred ministry and of the need for ministers in the Church and are to encourage and support endeavors to foster vocations, especially by means of projects established for that purpose.

§2. Moreover, priests, and especially diocesan bishops, are to have concern that men of a more mature age who consider themselves called to the sacred ministries are prudently assisted in word and deed and duly prepared.

Can. 234 §1. Minor seminaries and other similar institutions are to be preserved, where they exist, and fostered; for the sake of fostering vocations, these institutions provide special religious formation together with instruction in the humanities and science. Where the diocesan bishop judges it expedient, he is to erect a minor seminary or similar institution.

§2. Unless in certain cases circumstances indicate otherwise, young men disposed to the priesthood are to be provided with that formation in the humanities and science by which the youth in their own region are prepared to pursue higher studies.

Can. 235 §1. Young men who intend to enter the priesthood are to be provided with a suitable spiritual formation and prepared for their proper duties in a major seminary throughout the entire time of formation or, if in the judgment of the diocesan bishop circumstances demand it, for at least four years.

§2. The diocesan bishop is to entrust those who legitimately reside outside a seminary to a devout and suitable priest who is to be watchful that they are carefully formed in the spiritual life and in discipline.

Can. 236 According to the prescripts of the conference of bishops, those aspiring to the permanent diaconate are to be formed to nourish a spiritual life and instructed to fulfill correctly the duties proper to that order:

1/ young men are to live at least three years in some special house unless the diocesan bishop has established otherwise for grave reasons;

2/ men of a more mature age, whether celibate or married, are to spend three years in a program defined by the conference of bishops.

Can. 237 §1. Where it is possible and expedient, there is to be a major seminary in every diocese; otherwise, the students who are preparing for the sacred ministries are to be entrusted to another seminary, or an interdiocesan seminary is to be erected.

§2. An interdiocesan seminary is not to be erected unless the conference of bishops, if the seminary is for its entire territory, or the bishops involved have obtained the prior approval of the Apostolic See for both the erection of the seminary and its statutes.

Can. 238 §1. Seminaries legitimately erected possess juridic personality in the Church by the law itself.

§2. In the handling of all affairs, the rector of the seminary represents it unless competent authority has established otherwise for certain affairs.

Can. 239 §1. Every seminary is to have a rector who presides over it, a vice-rector if one is needed, a finance officer, and, if the students pursue

their studies in the seminary itself, teachers who give instruction in various disciplines coordinated in an appropriate manner.

§2. Every seminary is to have at least one spiritual director, though the students remain free to approach other priests who have been designated for this function by the bishop.

§3. The statutes of a seminary are to provide ways through which the other moderators, the teachers, and even the students themselves participate in the responsibility of the rector, especially in maintaining discipline.

Can. 240 §1. In addition to ordinary confessors, other confessors are to come regularly to the seminary. Without prejudice to the discipline of the seminary, students are always free to approach any confessor, whether in the seminary or outside it.

§2. When decisions are made about admitting students to orders or dismissing them from the seminary, the opinion of the spiritual director and confessors can never be sought.

Can. 241 §1. A diocesan bishop is to admit to a major seminary only those who are judged qualified to dedicate themselves permanently to the sacred ministries; he is to consider their human, moral, spiritual, and intellectual qualities, their physical and psychic health, and their correct intention.

§2. Before they are accepted, they must submit documents of the reception of baptism and confirmation and any other things required by the prescripts of the program of priestly formation.

§3. If it concerns admitting those who were dismissed from another seminary or religious institute, testimony of the respective superior is also required, especially concerning the cause for their dismissal or departure.

Can. 242 §1. Each nation is to have a program of priestly formation which is to be established by the conference of bishops, attentive to the norms issued by the supreme authority of the Church, and which is to be approved by the Holy See. This program is to be adapted to new circumstances, also with the approval of the Holy See, and is to define the main principles of

the instruction to be given in the seminary and general norms adapted to the pastoral needs of each region or province.

§2. All seminaries, both diocesan and interdiocesan, are to observe the norms of the program mentioned in §1.

Can. 243 In addition, each seminary is to have its own rule, approved by the diocesan bishop, or, if it is an interdiocesan seminary, by the bishops involved, which is to adapt the norms of the program of priestly formation to particular circumstances and especially to determine more precisely the points of discipline which pertain to the daily life of the students and the order of the entire seminary.

Can. 244 The spiritual formation and doctrinal instruction of the students in a seminary are to be arranged harmoniously and so organized that each student, according to his character, acquires the spirit of the gospel and a close relationship with Christ along with appropriate human maturity.

Can. 245 §1. Through their spiritual formation, students are to become equipped to exercise the pastoral ministry fruitfully and are to be formed in a missionary spirit; they are to learn that ministry always carried out in living faith and charity fosters their own sanctification. They also are to learn to cultivate those virtues which are valued highly in human relations so that they are able to achieve an appropriate integration between human and supernatural goods.

§2. Students are so to be formed that, imbued with love of the Church of Christ, they are bound by humble and filial charity to the Roman Pontiff, the successor of Peter, are attached to their own bishop as faithful coworkers, and work together with their brothers. Through common life in the seminary and through relationships of friendship and of association cultivated with others, they are to be prepared for fraternal union with the diocesan presbyterium whose partners they will be in the service of the Church.

Can. 246 §1. The eucharistic celebration is to be the center of the entire life of a seminary in such a way that, sharing in the very love of Christ, the

students daily draw strength of spirit for apostolic work and for their spiritual life especially from this richest of sources.

§2. They are to be formed in the celebration of the liturgy of the hours by which the ministers of God pray to God in the name of the Church for all the people entrusted to them, and indeed, for the whole world.

§3. The veneration of the Blessed Virgin Mary, including the marian rosary, mental prayer, and other exercises of piety are to be fostered; through these, students are to acquire a spirit of prayer and gain strength in their vocation.

§4. Students are to become accustomed to approach the sacrament of penance frequently; it is also recommended that each have a director of his spiritual life whom he has freely chosen and to whom he can confidently open his conscience.

§5. Each year students are to make a spiritual retreat.

Can. 247 §1. Students are to be prepared through suitable education to observe the state of celibacy and are to learn to honor it as a special gift of God.

§2. They are duly to be informed of the duties and burdens which are proper to sacred ministers of the Church; no difficulty of the priestly life is to be omitted.

Can. 248 The doctrinal instruction given is to be directed so that students acquire an extensive and solid learning in the sacred disciplines along with a general culture appropriate to the necessities of place and time, in such way that, grounded in their own faith and nourished thereby, they are able to announce in a suitable way the teaching of the gospel to the people of their own time in a manner adapted to their understanding.

Can. 249 The program of priestly formation is to provide that students not only are carefully taught their native language but also understand Latin well and have a suitable understanding of those foreign languages which seem necessary or useful for their formation or for the exercise of pastoral ministry.

Can. 250 The philosophical and theological studies which are organized in the seminary itself can be pursued either successively or conjointly, in accord with the program of priestly formation. These studies are to encompass at least six full years in such a way that the time dedicated to philosophical disciplines equals two full years and to theological studies four full years.

Can. 251 Philosophical instruction must be grounded in the perennially valid philosophical heritage and also take into account philosophical investigation over the course of time. It is to be taught in such a way that it perfects the human development of the students, sharpens their minds, and makes them better able to pursue theological studies.

Can. 252 §1. Theological instruction is to be imparted in the light of faith and under the leadership of the magisterium in such a way that the students understand the entire Catholic doctrine grounded in divine revelation, gain nourishment for their own spiritual life, and are able properly to announce and safeguard it in the exercise of the ministry.

§2. Students are to be instructed in sacred scripture with special diligence in such a way that they acquire a comprehensive view of the whole of sacred scripture.

§3. There are to be classes in dogmatic theology, always grounded in the written word of God together with sacred tradition; through these, students are to learn to penetrate more intimately the mysteries of salvation, especially with St. Thomas as a teacher. There are also to be classes in moral and pastoral theology, canon law, liturgy, ecclesiastical history, and other auxiliary and special disciplines, according to the norm of the prescripts of the program of priestly formation.

Can. 253 §1. The bishop or bishops concerned are to appoint to the function of teacher in philosophical, theological, and juridic disciplines only those who are outstanding in virtue and have obtained a doctorate or licentiate from a university or faculty recognized by the Holy See.

§2. Care is to be taken that diVerent teachers are appointed to teach sacred scripture, dogmatic theology, moral theology, liturgy, philosophy, canon

law, ecclesiastical history, and other disciplines which must be taught according to their proper methodology.

§3. The authority mentioned in §1 is to remove a teacher who is gravely deficient in his or her function.

Can. 254 §1. In giving instruction in their disciplines, teachers are to have a constant concern for the intimate unity and harmony of the entire doctrine of the faith so that students find that they learn one science. For this to be realized more suitably, there is to be someone in the seminary who directs the entire curriculum of studies.

§2. Students are to be instructed in such a way that they also become qualified to examine questions by their own appropriate research and with scientific methodology; therefore, there are to be assignments in which the students learn to pursue certain studies through their own efforts under the direction of the teachers.

Can. 255 Although the entire formation of students in the seminary has a pastoral purpose, strictly pastoral instruction is to be organized through which students learn the principles and skills which, attentive also to the needs of place and time, pertain to the exercise of the ministry of teaching, sanctifying, and governing the people of God.

Can. 256 §1. Students are to be instructed diligently in those things which in a particular manner pertain to the sacred ministry, especially in catechetical and homiletic skills, in divine worship and particularly the celebration of the sacraments, in relationships with people, even non-Catholics or non-believers, in the administration of a parish, and in the fulfillment of other functions.

§2. Students are to be instructed about the needs of the universal Church in such a way that they have solicitude for the promotion of vocations and for missionary, ecumenical, and other more urgent questions, including social ones.

Can. 257 §1. The instruction of students is to provide that they have solicitude not only for the particular church in whose service they are to be

incardinated but also for the universal Church, and that they show themselves prepared to devote themselves to particular churches which are in grave need.

§2. The diocesan bishop is to take care that clerics intending to move from their own particular church to a particular church of another region are suitably prepared to exercise the sacred ministry there, that is, that they learn the language of the region and understand its institutions, social conditions, usages, and customs.

Can. 258 In order that students also learn the art of exercising the apostolate in practice, during the course of studies and especially during times of vacation they are to be initiated into pastoral practice by means of appropriate activities, determined by judgment of the ordinary, adapted to the age of the students and the conditions of the places, and always under the direction of a skilled priest.

Can. 259 §1. The diocesan bishop or, for an interdiocesan seminary, the bishops involved are competent to decide those things which pertain to the above-mentioned governance and administration of the seminary.

§2. The diocesan bishop or, for an interdiocesan seminary, the bishops involved are to visit the seminary frequently, to watch offer the formation of their own students as well as the philosophical and theological instruction taught in the seminary, and to keep themselves informed about the vocation, character, piety, and progress of the students, especially with a view to the conferral of sacred ordination.

Can. 260 In carrying out their proper functions, all must obey the rector, to whom it belongs to care for the daily supervision of the seminary according to the norm of the program of priestly formation and of the rule of the seminary.

Can. 261 §1. The rector of a seminary and, under his authority, the moderators and teachers for their part are to take care that the students observe exactly the norms prescribed by the program of priestly formation and by the rule of the seminary.

§2. The rector of a seminary and the director of studies are carefully to provide that the teachers properly perform their function according to the prescripts of the program of priestly formation and of the rule of the seminary.

Can. 262 A seminary is to be exempt from parochial governance. The rector of the seminary or his delegate fulfills the office of pastor for all those who are in the seminary, except for matrimonial matters and without prejudice to the prescript of ⇒ can. 985.

Can. 263 The diocesan bishop or, for an interdiocesan seminary, the bishops involved in a way determined by them through common counsel must take care that provision is made for the establishment and maintenance of the seminary, the support of the students, the remuneration of the teachers, and the other needs of the seminary.

Can. 264 §1. In addition to the offering mentioned in ⇒ can. 1266, a bishop can impose a tax in the diocese to provide for the needs of the seminary.

§2. All ecclesiastical juridic persons, even private ones, which have a seat in the diocese are subject to the tax for the seminary unless they are sustained by alms alone or in fact have a college of students or teachers to promote the common good of the Church. A tax of this type must be general, in proportion to the revenues of those who are subject to it, and determined according to the needs of the seminary.

CHAPTER II. THE ENROLLMENT, OR INCARDINATION, OF CLERICS

Can. 265 Every cleric must be incardinated either in a particular church or personal prelature, or in an institute of consecrated life or society endowed with this faculty, in such a way that unattached or transient clerics are not allowed at all.

Can. 266 §1. Through the reception of the diaconate, a person becomes a cleric and is incardinated in the particular church or personal prelature for whose service he has been advanced.

§2. Through the reception of the diaconate, a perpetually professed religious or a definitively incorporated member of a clerical society of apostolic life is incardinated as a cleric in the same institute or society unless, in the case of societies, the constitutions establish otherwise.

§3. Through the reception of the diaconate, a member of a secular institute is incardinated in the particular church for whose service he has been advanced unless he is incardinated in the institute itself by virtue of a grant of the Apostolic See.

Can. 267 §1. For a cleric already incardinated to be incardinated validly in another particular church, he must obtain from the diocesan bishop a letter of excardination signed by the same bishop and a letter of incardination from the diocesan bishop of the particular church in which he desires to be incardinated signed by that bishop.

§2. Excardination thus granted does not take effect unless incardination in another particular church has been obtained.

Can. 268 §1. A cleric who has legitimately moved from his own particular church to another is incardinated in the latter particular church by the law itself after Five years if he has made such a desire known in writing both to the diocesan bishop of the host church and to his own diocesan bishop and neither of them has expressed opposition in writing to him within four months of receiving the letter.

§2. Through perpetual or definitive admission into an institute of consecrated life or into a society of apostolic life, a cleric who is incardinated in the same institute or society according to the norm of ⇒ can. 266, §2 is excardinated from his own particular church.

Can. 269 A diocesan bishop is not to allow the incardination of a cleric unless:

1/ the necessity or advantage of his own particular church demands it, and without prejudice to the prescripts of the law concerning the decent support of clerics;

2/ he knows by a lawful document that excardination has been granted, and has also obtained from the excardinating bishop, under secrecy if need be, appropriate testimonials concerning the cleric's life, behavior and studies;

3/ the cleric has declared in writing to the same diocesan bishop that he wishes to be dedicated to the service of the new particular church according to the norm of law.

Can. 270 Excardination can be licitly granted only for just causes such as the advantage of the Church or the good of the cleric himself. It cannot be denied, however, except for evident, grave causes. A cleric who thinks he has been wronged and has found an accepting bishop, however, is permitted to make recourse against the decision.

Can. 271 §1. Apart from the case of true necessity of his own particular church, a diocesan bishop is not to deny permission to clerics, whom he knows are prepared and considers suitable and who request it, to move to regions laboring under a grave lack of clergy where they will exercise the sacred ministry. He is also to make provision that the rights and duties of these clerics are determined through a written agreement with the diocesan bishop of the place they request.

§2. A diocesan bishop can grant permission for his clerics to move to another particular church for a predetermined time, which can even be renewed several times. Nevertheless, this is to be done so that these clerics remain incardinated in their own particular church and, when they return to it, possess all the rights which they would have had if they had been dedicated to the sacred ministry there.

§3. For a just cause the diocesan bishop can recall a cleric who has moved legitimately to another particular church while remaining incardinated in his own church provided that the agreements entered into with the other bishop and natural equity are observed; the diocesan bishop of the other particular church, after having observed these same conditions and for a just cause, likewise can deny the same cleric permission for further residence in his territory.

Can. 272 A diocesan administrator cannot grant excardination or incardination or even permission to move to another particular church unless the episcopal see has been vacant for a year and he has the consent of the college of consultors.

CHAPTER III. THE OBLIGATIONS AND RIGHTS OF CLERICS

Can. 273 Clerics are bound by a special obligation to show reverence and obedience to the Supreme Pontiff and their own ordinary.

Can. 274 §1. Only clerics can obtain offices for whose exercise the power of orders or the power of ecclesiastical governance is required.

§2. Unless a legitimate impediment excuses them, clerics are bound to undertake and fulfill faithfully a function which their ordinary has entrusted to them.

Can. 275 §1. Since clerics all work for the same purpose, namely, the building up of the Body of Christ, they are to be united among themselves by a bond of brotherhood and prayer and are to strive for cooperation among themselves according to the prescripts of particular law.

§2. Clerics are to acknowledge and promote the mission which the laity, each for his or her part, exercise in the Church and in the world.

Can. 276 §1. In leading their lives, clerics are bound in a special way to pursue holiness since, having been consecrated to God by a new title in the reception of orders, they are dispensers of the mysteries of God in the service of His people.

§2. In order to be able to pursue this perfection:

1/ they are first of all to fulfill faithfully and tirelessly the duties of the pastoral ministry;

2/ they are to nourish their spiritual life from the two-fold table of sacred scripture and the Eucharist; therefore, priests are earnestly invited to offer the eucharistic sacrifice daily and deacons to participate in its offering daily;

3/ priests and deacons aspiring to the presbyterate are obliged to carry out the liturgy of the hours daily according to the proper and approved liturgical books; permanent deacons, however, are to carry out the same to the extent defined by the conference of bishops;

4/ they are equally bound to make time for spiritual retreats according to the prescripts of particular law;

5/ they are urged to engage in mental prayer regularly, to approach the sacrament of penance frequently, to honor the Virgin Mother of God with particular veneration, and to use other common and particular means of sanctification.

Can. 277 §1. Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity.

§2. Clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful.

§3. The diocesan bishop is competent to establish more specific norms concerning this matter and to pass judgment in particular cases concerning the observance of this obligation.

Can. 278 §1. Secular clerics have the right to associate with others to pursue purposes in keeping with the clerical state.

§2. Secular clerics are to hold in esteem especially those associations which, having statutes recognized by competent authority, foster their holiness in the exercise of the ministry through a suitable and properly approved rule of life and through fraternal assistance and which promote the unity of clerics among themselves and with their own bishop.

§3. Clerics are to refrain from establishing or participating in associations whose purpose or activity cannot be reconciled with the obligations proper

to the clerical state or can prevent the diligent fulfillment of the function entrusted to them by competent ecclesiastical authority.

Can. 279 §1. Even after ordination to the priesthood, clerics are to pursue sacred studies and are to strive after that solid doctrine founded in sacred scripture, handed on by their predecessors, and commonly accepted by the Church, as set out especially in the documents of councils and of the Roman Pontiffs. They are to avoid profane novelties and pseudo-science.

§2. According to the prescripts of particular law, priests are to attend pastoral lectures held after priestly ordination and, at times established by the same law, are also to attend other lectures, theological meetings, and conferences which offer them the opportunity to acquire a fuller knowledge of the sacred sciences and pastoral methods.

§3. They are also to acquire knowledge of other sciences, especially of those which are connected with the sacred sciences, particularly insofar as such knowledge contributes to the exercise of pastoral ministry.

Can. 280 Some practice of common life is highly recommended to clerics; where it exists, it must be preserved as far as possible.

Can. 281 §1. Since clerics dedicate themselves to ecclesiastical ministry, they deserve remuneration which is consistent with their condition, taking into account the nature of their function and the conditions of places and times, and by which they can provide for the necessities of their life as well as for the equitable payment of those whose services they need.

§2. Provision must also be made so that they possess that social assistance which provides for their needs suitably if they suffer from illness, incapacity, or old age.

§3. Married deacons who devote themselves completely to ecclesiastical ministry deserve remuneration by which they are able to provide for the support of themselves and their families. Those who receive remuneration by reason of a civil profession which they exercise or have exercised, however, are to take care of the needs of themselves and their families from the income derived from it.

Can. 282 §1. Clerics are to foster simplicity of life and are to refrain from all things that have a semblance of vanity.

§2. They are to wish to use for the good of the Church and works of charity those goods which have come to them on the occasion of the exercise of ecclesiastical office and which are left offer after provision has been made for their decent support and for the fulfillment of all the duties of their own state.

Can. 283 §1. Even if clerics do not have a residential office, they nevertheless are not to be absent from their diocese for a notable period of time, to be determined by particular law, without at least the presumed permission of their proper ordinary.

§2. They are entitled, however, to a fitting and sufficient time of vacation each year as determined by universal or particular law.

Can. 284 Clerics are to wear suitable ecclesiastical garb according to the norms issued by the conference of bishops and according to legitimate local customs.

Can. 285 §1. Clerics are to refrain completely from all those things which are unbecoming to their state, according to the prescripts of particular law.

§2. Clerics are to avoid those things which, although not unbecoming, are nevertheless foreign to the clerical state.

§3. Clerics are forbidden to assume public offices which entail a participation in the exercise of civil power.

§4. Without the permission of their ordinary, they are not to take on the management of goods belonging to lay persons or secular offices which entail an obligation of rendering accounts. They are prohibited from giving surety even with their own goods without consultation with their proper ordinary. They also are to refrain from signing promissory notes, namely, those through which they assume an obligation to make payment on demand.

Can. 286 Clerics are prohibited from conducting business or trade personally or through others, for their own advantage or that of others, except with the permission of legitimate ecclesiastical authority.

Can. 287 §1. Most especially, clerics are always to foster the peace and harmony based on justice which are to be observed among people.

§2. They are not to have an active part in political parties and in governing labor unions unless, in the judgment of competent ecclesiastical authority, the protection of the rights of the Church or the promotion of the common good requires it.

Can. 288 The prescripts of cann. ⇒ 284, ⇒ 285, §§3 and 4, ⇒ 286, and ⇒ 287, §2 do not bind permanent deacons unless particular law establishes otherwise.

Can. 289 §1. Since military service is hardly in keeping with the clerical state, clerics and candidates for sacred orders are not to volunteer for military service except with the permission of their ordinary.

§2. Clerics are to use exemptions from exercising functions and public civil offices foreign to the clerical state which laws and agreements or customs grant in their favor unless their proper ordinary has decided otherwise in particular cases.

CHAPTER IV. LOSS OF THE CLERICAL STATE

Can. 290 Once validly received, sacred ordination never becomes invalid. A cleric, nevertheless, loses the clerical state:

1/ by a judicial sentence or administrative decree, which declares the invalidity of sacred ordination;

2/ by a judicial sentence or administrative decree, which declares the invalidity of sacred ordination;

3/ by rescript of the Apostolic See which grants it to deacons only for grave causes and to presbyters only for most grave causes.

Can. 291 Apart from the case mentioned in ⇒ can. 290, n. 1, loss of the clerical state does not entail a dispensation from the obligation of celibacy, which only the Roman Pontiff grants.

Can. 292 A cleric who loses the clerical state according to the norm of law loses with it the rights proper to the clerical state and is no longer bound by any obligations of the clerical state, without prejudice to the prescript of ⇒ can. 291. He is prohibited from exercising the power of orders, without prejudice to the prescript of ⇒ can. 976. By the loss of the clerical state, he is deprived of all offices, functions, and any delegated power.

Can. 293 A cleric who loses the clerical state cannot be enrolled among clerics again except through a rescript of the Apostolic See.

TITLE IV. PERSONAL PRELATURES (Cann. 294 - 297)

Can. 294 After the conferences of bishops involved have been heard, the Apostolic See can erect personal prelatures, which consist of presbyters and deacons of the secular clergy, to promote a suitable distribution of presbyters or to accomplish particular pastoral or missionary works for various regions or for different social groups.

Can. 295 §1. The statutes established by the Apostolic See govern a personal prelature, and a prelate presides offer it as the proper ordinary; he has the right to erect a national or international seminary and even to incardinate students and promote them to orders under title of service to the prelature.

§2. The prelate must see to both the spiritual formation and decent support of those whom he has promoted under the above-mentioned title.

Can. 296 Lay persons can dedicate themselves to the apostolic works of a personal prelature by agreements entered into with the prelature. The statutes, however, are to determine suitably the manner of this organic cooperation and the principal duties and rights connected to it.

Can. 297 The statutes likewise are to define the relations of the personal prelature with the local ordinaries in whose particular churches the prelature

itself exercises or desires to exercise its pastoral or missionary works, with the previous consent of the diocesan bishop.

TITLE V. ASSOCIATIONS OF THE CHRISTIAN FAITHFUL (Cann. 298 - 329)

CHAPTER I. COMMON NORMS

Can. 298 §1. In the Church there are associations distinct from institutes of consecrated life and societies of apostolic life; in these associations the Christian faithful, whether clerics, lay persons, or clerics and lay persons together, strive in a common endeavor to foster a more perfect life, to promote public worship or Christian doctrine, or to exercise other works of the apostolate such as initiatives of evangelization, works of piety or charity, and those which animate the temporal order with a Christian spirit.

§2. The Christian faithful are to join especially those associations which competent ecclesiastical authority has erected, praised, or commended.

Can. 299 §1. By means of a private agreement made among themselves, the Christian faithful are free to establish associations to pursue the purposes mentioned in ⇒ can. 298, §1, without prejudice to the prescript of ⇒ can. 301, §1.

§2. Even if ecclesiastical authority praises or commends them, associations of this type are called private associations.

§3. No private association of the Christian faithful is recognized in the Church unless competent authority reviews its statutes.

Can. 300 No association is to assume the name Catholic without the consent of competent ecclesiastical authority according to the norm of ⇒ can. 312.

Can. 301 §1. It is for the competent ecclesiastical authority alone to erect associations of the Christian faithful which propose to hand on Christian doctrine in the name of the Church or to promote public worship, or which intend other purposes whose pursuit is of its nature reserved to the same ecclesiastical authority.

§2. Competent ecclesiastical authority, if it has judged it expedient, can also erect associations of the Christian faithful to pursue directly or indirectly other spiritual purposes whose accomplishment has not been sufficiently provided for through the initiatives of private persons.

§3. Associations of the Christian faithful which are erected by competent ecclesiastical authority are called public associations.

Can. 302 Those associations of the Christian faithful are called clerical which are under the direction of clerics, assume the exercise of sacred orders, and are recognized as such by competent authority.

Can. 303 Associations whose members share in the spirit of some religious institute while in secular life, lead an apostolic life, and strive for Christian perfection under the higher direction of the same institute are called third orders or some other appropriate name.

Can. 304 §1. All public or private associations of the Christian faithful, by whatever title or name they are called, are to have their own statutes which define the purpose or social objective of the association, its seat, government, and conditions required for membership and which determine the manner of its acting, attentive, however, to the necessity or advantage of time and place.

§2. They are to choose a title or name for themselves adapted to the usage of time and place, selected above all with regard to their intended purpose.

Can. 305 §1. All associations of the Christian faithful are subject to the vigilance of competent ecclesiastical authority which is to take care that the integrity of faith and morals is preserved in them and is to watch so that abuse does not creep into ecclesiastical discipline. This authority therefore has the duty and right to inspect them according to the norm of law and the statutes. These associations are also subject to the governance of this same authority according to the prescripts of the canons which follow.

§2. Associations of any kind are subject to the vigilance of the Holy See; diocesan associations and other associations to the extent that they work in the diocese are subject to the vigilance of the local ordinary.

Can. 306 In order for a person to possess the rights and privileges of an association and the indulgences and other spiritual favors granted to the same association, it is necessary and sufficient that the person has been validly received into it and has not been legitimately dismissed from it according to the prescripts of law and the proper statutes of the association.

Can. 307 §1. The reception of members is to be done according to the norm of law and the statutes of each association.

§2. The same person can be enrolled in several associations.

§3. Members of religious institutes can join associations according to the norm of their proper law with the consent of their superior.

Can. 308 No one legitimately enrolled is to be dismissed from an association except for a just cause according to the norm of law and the statutes.

Can. 309 According to the norm of law and the statutes, legitimately established associations have the right to issue particular norms respecting the association itself, to hold meetings, and to designate moderators, officials, other officers, and administrators of goods.

Can. 310 A private association which has not been established as a juridic person cannot, as such, be a subject of obligations and rights. Nevertheless, the members of the Christian faithful associated together in it can jointly contract obligations and can acquire and possess rights and goods as co-owners and co-possessors; they are able to exercise these rights and obligations through an agent or a proxy.

Can. 311 Members of institutes of consecrated life who preside offer or assist associations in some way united to their institute are to take care that these associations give assistance to the works of the apostolate which already exist in a diocese, especially cooperating, under the direction of the local ordinary, with associations which are ordered to the exercise of the apostolate in the diocese.

CHAPTER II. PUBLIC ASSOCIATIONS OF THE CHRISTIAN FAITHFUL

Can. 312 §1. The authority competent to erect public associations is:

1/ the Holy See for universal and international associations;

2/ the conference of bishops in its own territory for national associations, that is, those which from their founding are directed toward activity throughout the whole nation;

3/ the diocesan bishop in his own territory, but not a diocesan administrator, for diocesan associations, except, however, for those associations whose right of erection has been reserved to others by apostolic privilege.

§2. Written consent of the diocesan bishop is required for the valid erection of an association or section of an association in a diocese even if it is done by virtue of apostolic privilege. Nevertheless, the consent given by a diocesan bishop for the erection of a house of a religious institute is also valid for the erection in the same house or church attached to it of an association which is proper to that institute.

Can. 313 Through the same decree by which the competent ecclesiastical authority according to the norm of ⇒ can. 312 erects it, a public association and even a confederation of public associations is constituted a juridic person and, to the extent it is required, receives a mission for the purposes which it proposes to pursue in the name of the Church.

Can. 314 The statutes of each public association and their revision or change need the approval of the ecclesiastical authority competent to erect the association according to the norm of ⇒ can. 312, §1.

Can. 315 Public associations are able on their own initiative to undertake endeavors in keeping with their own character. These endeavors are governed according to the norm of the statutes, though under the higher direction of the ecclesiastical authority mentioned in ⇒ can. 312, §1.

Can. 316 §1. A person who has publicly rejected the Catholic faith, has defected from ecclesiastical communion, or has been punished by an

imposed or declared excommunication cannot be received validly into public associations.

§2. Those enrolled legitimately who fall into the situation mentioned in §1, after being warned, are to be dismissed from the association, with due regard for its statutes and without prejudice to the right of recourse to the ecclesiastical authority mentioned in ⇒ can. 312, §1.

Can. 317 §1. Unless the statutes provide otherwise, it is for the ecclesiastical authority mentioned in ⇒ can. 312, §1 to confirm the moderator of a public association elected by the public association itself, install the one presented, or appoint the moderator in his own right. The same ecclesiastical authority also appoints the chaplain or ecclesiastical assistant, after having heard the major officials of the association, when it is expedient.

§2. The norm stated in §1 is also valid for associations which members of religious institutes erect outside their own churches or houses in virtue of apostolic privilege. In associations which members of religious institutes erect in their own church or house, however, the nomination or confirmation of the moderator and chaplain pertains to the superior of the institute, according to the norm of the statutes.

§3. In associations which are not clerical, lay persons are able to exercise the function of moderator. A chaplain or ecclesiastical assistant is not to assume that function unless the statutes provide otherwise.

§4. Those who exercise leadership in political parties are not to be moderators in public associations of the Christian faithful which are ordered directly to the exercise of the apostolate.

Can. 318 §1. In special circumstances and where grave reasons require it, the ecclesiastical authority mentioned in ⇒ Can. 312, §1 can designate a trustee who is to direct the association for a time in its name.

§2. The person who appointed or confirmed the moderator of a public association can remove the moderator for a just cause, after the person has

heard, however, the moderator and the major officials of the association according to the norm of the statutes. The person who appointed a chaplain can remove him according to the norm of ⇒ cann. 192-195.

Can. 319 §1. Unless other provision has been made, a legitimately erected public association administers the goods which it possesses according to the norm of the statutes under the higher direction of the ecclesiastical authority mentioned in ⇒ can. 312, §1, to which it must render an account of administration each year.

§2. It must also render to the same authority a faithful account of the expenditure of the offerings and alms which it has collected.

Can. 320 §1. Only the Holy See can suppress associations it has erected.

§2. For grave causes, a conference of bishops can suppress associations it has erected. A diocesan bishop can suppress associations he has erected and also associations which members of religious institutes have erected through apostolic indult with the consent of the diocesan bishop.

§3. The competent authority is not to suppress a public association unless the authority has heard its moderator and other major officials.

CHAPTER III. PRIVATE ASSOCIATIONS OF THE CHRISTIAN FAITHFUL

Can. 321 The Christian faithful guide and direct private associations according to the prescripts of the statutes.

Can. 322 §1. A private association of the Christian faithful can acquire juridic personality through a formal decree of the competent ecclesiastical authority mentioned in ⇒ can. 312.

§2. No private association of the Christian faithful can acquire juridic personality unless the ecclesiastical authority mentioned in ⇒ can. 312, §1 has approved its statutes. Approval of the statutes, however, does not change the private nature of the association.

Can. 323 §1. Although private associations of the Christian faithful possess autonomy according to the norm of ⇒ can.

321, they are subject to the vigilance of ecclesiastical authority according to the norm of ⇒ can. 305 and even to the governance of the same authority.

§2. It also pertains to ecclesiastical authority, while respecting the autonomy proper to private associations, to be watchful and careful that dissipation of their energies is avoided and that their exercise of the apostolate is ordered to the common good.

Can. 324 §1. A private association of the Christian faithful freely designates its moderator and officials according to the norm of the statutes.

§2. A private association of the Christian faithful can freely choose a spiritual advisor, if it desires one, from among the priests exercising ministry legitimately in the diocese; nevertheless, he needs the confirmation of the local ordinary.

Can. 325 §1. A private association of the Christian faithful freely administers those goods it possesses according to the prescripts of the statutes, without prejudice to the right of competent ecclesiastical authority to exercise vigilance so that the goods are used for the purposes of the association.

§2. A private association is subject to the authority of the local ordinary according to the norm of ⇒ can. 1301 in what pertains to the administration and distribution of goods which have been donated or left to it for pious causes.

Can. 326 §1. A private association of the Christian faithful ceases to exist according to the norm of its statutes. The competent authority can also suppress it if its activity causes grave harm to ecclesiastical doctrine or discipline or is a scandal to the faithful.

§2. The allocation of the goods of an association which has ceased to exist must be determined according to the norm of its statutes, without prejudice

to acquired rights and the intention of the donors.

CHAPTER IV. SPECIAL NORMS FOR ASSOCIATIONS OF THE LAITY

Can. 327 Lay members of the Christian faithful are to hold in esteem associations established for the spiritual purposes mentioned in ⇒ can. 298, especially those which propose to animate the temporal order with the Christian spirit and in this way greatly foster an intimate union between faith and life.

Can. 328 Those who preside offer associations of the laity, even those which have been erected by virtue of apostolic privilege, are to take care that their associations cooperate with other associations of the Christian faithful where it is expedient and willingly assist various Christian works, especially those in the same territory.

Can. 329 Moderators of associations of the laity are to take care that the members of the association are duly formed to exercise the apostolate proper to the laity.

SECTION I. THE SUPREME AUTHORITY OF THE CHURCH (Cann. 330 - 367)

CHAPTER I. THE ROMAN PONTIFF AND THE COLLEGE OF BISHOPS

Can. 330 Just as by the Lord’s decision Saint Peter and the other Apostles constitute one college, so in a like manner the Roman Pontiff, the successor of Peter, and the bishops, the successors of the Apostles, are united among themselves.

Art. 1. THE ROMAN PONTIFF

Can. 331 The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely.

Can. 332 §1. The Roman Pontiff obtains full and supreme power in the Church by his acceptance of legitimate election together with episcopal consecration. Therefore, a person elected to the supreme pontificate who is marked with episcopal character obtains this power from the moment of acceptance. If the person elected lacks episcopal character, however, he is to be ordained a bishop immediately.

§2. If it happens that the Roman Pontiff resigns his office, it is required for validity that the resignation is made freely and properly manifested but not that it is accepted by anyone.

Can. 333 §1. By virtue of his office, the Roman Pontiff not only possesses power offer the universal Church but also obtains the primacy of ordinary power offer all particular churches and groups of them. Moreover, this primacy strengthens and protects the proper, ordinary, and immediate power which bishops possess in the particular churches entrusted to their care.

§2. In fulfilling the office of supreme pastor of the Church, the Roman Pontiff is always joined in communion with the other bishops and with the universal Church. He nevertheless has the right, according to the needs of the Church, to determine the manner, whether personal or collegial, of exercising this office.

§3. No appeal or recourse is permitted against a sentence or decree of the Roman Pontiff.

Can. 334 Bishops assist the Roman Pontiff in exercising his office. They are able to render him cooperative assistance in various ways, among which is the synod of bishops. The cardinals also assist him, as do other persons and various institutes according to the needs of the times. In his name and by his authority, all these persons and institutes fulfill the function entrusted to them for the good of all the churches, according to the norms defined by law.

Can. 335 When the Roman See is vacant or entirely impeded, nothing is to be altered in the governance of the universal Church; the special laws issued for these circumstances, however, are to be observed.

Art. 2. THE COLLEGE OF BISHOPS

Can. 336 The college of bishops, whose head is the Supreme Pontiff and whose members are bishops by virtue of sacramental consecration and hierarchical communion with the head and members of the college and in which the apostolic body continues, together with its head and never without this head, is also the subject of supreme and full power offer the universal Church.

Can. 337 §1. The college of bishops exercises power offer the universal Church in a solemn manner in an ecumenical council.

§2. It exercises the same power through the united action of the bishops dispersed in the world, which the Roman Pontiff has publicly declared or freely accepted as such so that it becomes a true collegial act.

§3. It is for the Roman Pontiff, according to the needs of the Church, to select and promote the ways by which the college of bishops is to exercise its function collegially regarding the universal Church.

Can. 338 §1. It is for the Roman Pontiff alone to convoke an ecumenical council, preside offer it personally or through others, transfer, suspend, or dissolve a council, and to approve its decrees.

§2. It is for the Roman Pontiff to determine the matters to be treated in a council and establish the order to be observed in a council. To the questions proposed by the Roman Pontiff, the council fathers can add others which are to be approved by the Roman Pontiff.

Can. 339 §1. All the bishops and only the bishops who are members of the college of bishops have the right and duty to take part in an ecumenical council with a deliberative vote.

§2. Moreover, some others who are not bishops can be called to an ecumenical council by the supreme authority of the Church, to whom it belongs to determine their roles in the council.

Can. 340 If the Apostolic See becomes vacant during the celebration of a council, the council is interrupted by the law itself until the new Supreme Pontiff orders it to be continued or dissolves it.

Can. 341 §1. The decrees of an ecumenical council do not have obligatory force unless they have been approved by the Roman Pontiff together with the council fathers, confirmed by him, and promulgated at his order.

§2. To have obligatory force, decrees which the college of bishops issues when it places a truly collegial action in another way initiated or freely accepted by the Roman Pontiff need the same confirmation and promulgation.

CHAPTER II. THE SYNOD OF BISHOPS

Can. 342 The synod of bishops is a group of bishops who have been chosen from different regions of the world and meet together at fixed times to foster closer unity between the Roman Pontiff and bishops, to assist the Roman Pontiff with their counsel in the preservation and growth of faith and morals and in the observance and strengthening of ecclesiastical discipline, and to consider questions pertaining to the activity of the Church in the world.

Can. 343 It is for the synod of bishops to discuss the questions for consideration and express its wishes but not to resolve them or issue decrees about them unless in certain cases the Roman Pontiff has endowed it with deliberative power, in which case he ratifies the decisions of the synod.

Can. 344 The synod of bishops is directly subject to the authority of the Roman Pontiff who:

1/ convokes a synod as often as it seems opportune to him and designates the place where its sessions are to be held;

2/ radios the election of members who must be elected according to the norm of special law and designates and appoints other members;

3/ determines at an appropriate time before the celebration of a synod the contents of the questions to be treated, according to the norm of special law;

4/ defines the agenda;

5/ presides at the synod personally or through others;

6/ concludes, transfers, suspends, and dissolves the synod.

Can. 345 The synod of bishops can be assembled in a general session, that is, one which treats matters that directly pertain to the good of the universal Church; such a session is either ordinary or extraordinary. It can also be assembled in a special session, namely, one which considers affairs that directly pertain to a determinate region or regions.

Can. 346 §1. A synod of bishops assembled in an ordinary general session consists of members of whom the greater part are bishops elected for each session by the conferences of bishops according to the method determined by the special law of the synod; others are designated by virtue of the same law; others are appointed directly by the Roman Pontiff; to these are added some members of clerical religious institutes elected according to the norm of the same special law.

§2. A synod of bishops gathered in an extraordinary general session to treat affairs which require a speedy solution consists of members of whom the greater part are bishops designated by the special law of the synod by reason of the office which they hold; others are appointed directly by the Roman Pontiff; to these are added some members of clerical religious institutes elected according to the norm of the same law.

§3. A synod of bishops gathered in a special session consists of members especially selected from those regions for which it was called, according to the norm of the special law which governs the synod.

Can. 347 §1. When the Roman Pontiff concludes a session of the synod of bishops, the function entrusted in it to the bishops and other members ceases.

§2. If the Apostolic See becomes vacant after a synod is convoked or during its celebration, the session of the synod and the function entrusted to its members are suspended by the law itself until the new Pontiff has decided to dissolve or continue the session.

Can. 348 §1. The synod of bishops has a permanent general secretariat presided offer by a general secretary who is appointed by the Roman Pontiff and assisted by the council of the secretariat. This council consists of bishops, some of whom are elected by the synod of bishops itself according to the norm of special law while others are appointed by the Roman Pontiff. The function of all these ceases when a new general session begins.

§2. Furthermore, for each session of the synod of bishops one or more special secretaries are constituted who are appointed by the Roman Pontiff and remain in the office entrusted to them only until the session of the synod has been completed.

CHAPTER III. THE CARDINALS OF THE HOLY ROMAN CHURCH

Can. 349 The cardinals of the Holy Roman Church constitute a special college which provides for the election of the Roman Pontiff according to the norm of special law. The cardinals assist the Roman Pontiff either collegially when they are convoked to deal with questions of major importance, or individually when they help the Roman Pontiff through the various offices they perform, especially in the daily care of the universal Church.

Can. 350 §1. The college of cardinals is divided into three orders: the episcopal order, to which belong cardinals to whom the Roman Pontiff assigns title of a suburbicarian church and Eastern patriarchs who have been brought into the college of cardinals; the presbyteral order and the diaconal order.

§2. The Roman Pontiff assigns each of the cardinals of the presbyteral or diaconal orders his own title or diaconia in Rome.

§3. Eastern patriarchs who have been made members of the college of cardinals have their own patriarchal see as a title.

§4. The cardinal dean holds as his title the Diocese of Ostia together with the other church he already has as a title.

§5. Through a choice made in consistory and approved by the Supreme Pontiff and with priority of order and promotion observed, cardinals from the presbyteral order can transfer to another title, and cardinals from the diaconal order to another diaconia and if they have been in the diaconal order for ten full years, even to the presbyteral order.

§6. A cardinal transferring through choice from the diaconal order to the presbyteral order takes precedence offer all those cardinal presbyters who were brought into the cardinalate after him.

Can. 351 §1. The Roman Pontiff freely selects men to be promoted as cardinals, who have been ordained at least into the order of the presbyterate and are especially outstanding in doctrine, morals, piety, and prudence in action; those who are not yet bishops must receive episcopal consecration.

§2. Cardinals are created by a decree of the Roman Pontiff which is made public in the presence of the college of cardinals. From the moment of the announcement they are bound by the duties and possess the rights defined by law.

§3. When the Roman Pontiff has announced the selection of a person to the dignity of cardinal but reserves the name of the person in pectore, the one promoted is not bound in the meantime by any of the duties of cardinals nor does he possess any of their rights. After the Roman Pontiff has made his name public, however, he is bound by the same duties and possesses the same rights; he possesses the right of precedence, though, from the day of reservation in pectore.

Can. 352 §1. The dean presides offer the college of cardinals; if he is impeded, the assistant dean takes his place.

Neither the dean nor the assistant dean possesses any power of governance offer the other cardinals but is considered as first among equals.

§2. When the office of dean is vacant, the cardinals who possess title to a suburbicarian church and they alone are to elect one from their own group who is to act as dean of the college; the assistant dean, if he is present, or else the oldest among them, presides at this election. They are to submit the name of the person elected to the Roman Pontiff who is competent to approve him.

§3. The assistant dean is elected in the same manner as that described in §2, with the dean himself presiding.

The Roman Pontiff is also competent to approve the election of the assistant dean.

§4. If the dean and assistant dean do not have a domicile in Rome, they are to acquire one there.

Can. 353 §1. The cardinals especially assist the supreme pastor of the Church through collegial action in consistories in which they are gathered by order of the Roman Pontiff who presides. Consistories are either ordinary or extraordinary.

§2. For an ordinary consistory, all the cardinals, at least those present in Rome, are called together to be consulted concerning certain grave matters which occur rather frequently or to carry out certain very solemn acts.

§3. For an extraordinary consistory, which is celebrated when particular needs of the Church or the treatment of more grave affairs suggests it, all the cardinals are called together.

§4. Only the ordinary consistory in which some solemnities are celebrated can be public, that is, when prelates, representatives of civil societies, and others who have been invited to it are admitted in addition to the cardinals.

Can. 354 The cardinals who preside offer dicasteries and other permanent institutes of the Roman Curia and Vatican City and who have completed the seventy-fifth year of age are asked to submit their resignation from office to the Roman Pontiff who will see to the matter after considering the circumstances.

Can. 355 §1. The cardinal dean is competent to ordain as a bishop the one elected as Roman Pontiff if he needs to be ordained; if the dean is impeded, the assistant dean has the same right, and if he is impeded, the oldest cardinal from the episcopal order.

§2. The senior cardinal deacon announces the name of the newly elected Supreme Pontiff to the people; likewise, in the place of the Roman Pontiff, he places the pallium upon metropolitans or hands it offer to their proxies.

Can. 356 Cardinals are obliged to cooperate assiduously with the Roman Pontiff; therefore, cardinals who exercise any office in the curia and who are not diocesan bishops are obliged to reside in Rome. Cardinals who have the care of some diocese as the diocesan bishop are to go to Rome whenever the Roman Pontiff calls them.

Can. 357 §1. The cardinals who have been assigned title to a suburbicarian church or a church in Rome are to promote the good of these dioceses or churches by counsel and patronage after they have taken possession of them.

Nevertheless, they possess no power of governance offer them nor are they to intervene in any way in those matters which pertain to the administration of their goods, their discipline, or the service of the churches.

§2. In those matters which pertain to their own person, cardinals living outside of Rome and outside their own diocese are exempt from the power of governance of the bishop of the diocese in which they are residing.

Can. 358 A cardinal to whom the Roman Pontiff entrusts the function of representing him in some solemn celebration or among some group of persons as a legates a latere, that is, as his alter ego, as well as one to whom the Roman Pontiff entrusts the fulfillment of a certain pastoral function as his special envoy (missus specialis) has competence only offer those things which the Roman Pontiff commits to him.

Can. 359 When the Apostolic See is vacant, the college of cardinals possesses only that power in the Church which is attributed to it in special law.

CHAPTER IV. THE ROMAN CURIA

Can. 360 The Supreme Pontiff usually conducts the affairs of the universal Church through the Roman Curia which performs its function in his name and by his authority for the good and service of the churches. The Roman Curia consists of the Secretariat of State or the Papal Secretariat, the Council for the Public Affairs of the Church, congregations, tribunals, and other institutes; the constitution and competence of all these are defined in special law.

Can. 361 In this Code, the term Apostolic See or Holy See refers not only to the Roman Pontiff but also to the Secretariat of State, the Council for the Public Affairs of the Church, and other institutes of the Roman Curia, unless it is otherwise apparent from the nature of the matter or the context of the words.

CHAPTER V. LEGATES OF THE ROMAN PONTIFF

Can. 362 The Roman Pontiff has the innate and independent right to appoint, send, transfer, and recall his own legates either to particular churches in various nations or regions or to states and public authorities. The norms of international law are to be observed in what pertains to the mission and recall of legates appointed to states.

Can. 363 §1. To the legates of the Roman Pontiff is entrusted the office of representing the Roman Pontiff in a stable manner to particular churches or also to the states and public authorities to which they are sent.

§2. Those who are designated as delegates or observers in a pontifical mission at international councils or at conferences and meetings also represent the Apostolic See.

Can. 364 The principal function of a pontifical legate is daily to make stronger and more effective the bonds of unity which exist between the Apostolic See and particular churches. Therefore, it pertains to the pontifical legate for his own jurisdiction:

1/ to send information to the Apostolic See concerning the conditions of particular churches and everything that touches the life of the Church and

the good of souls;

2/ to assist bishops by action and counsel while leaving intact the exercise of their legitimate power;

3/ to foster close relations with the conference of bishops by offering it assistance in every way;

4/ regarding the nomination of bishops, to transmit or propose to the Apostolic See the names of candidates and to instruct the informational process concerning those to be promoted, according to the norms given by the Apostolic See;

5/ to strive to promote matters which pertain to the peace, progress, and cooperative effort of peoples;

6/ to collaborate with bishops so that suitable relations are fostered between the Catholic Church and other Churches or ecclesial communities, and even non-Christian religions;

7/ in associated action with bishops, to protect those things which pertain to the mission of the Church and the Apostolic See before the leaders of the state;

8/ in addition, to exercise the faculties and to fulfill other mandates which the Apostolic See entrusts to him.

Can. 365 §1. It is also the special function of a pontifical legate who at the same time acts as a legate to states according to the norms of international law:

1/ to promote and foster relations between the Apostolic See and the authorities of the state;

2/ to deal with questions which pertain to relations between Church and state and in a special way to deal with the drafting and implementation of concordats and other agreements of this type.

§2. In conducting the affairs mentioned in §1, a pontifical legate, as circumstances suggest, is not to neglect to seek the opinion and counsel of the bishops of the ecclesiastical jurisdiction and is to inform them of the course of affairs.

Can. 366 In view of the particular character of the function of a legate:

1/ the seat of a pontifical legation is exempt from the power of governance of the local ordinary unless it is a question of celebrating marriages;

2/ after he has notified in advance the local ordinaries insofar as possible, a pontifical legate is permitted to perform liturgical celebrations in all churches of his legation, even in pontificals.

Can. 367 The function of a pontifical legate does not cease when the Apostolic See becomes vacant unless the pontifical letter establishes otherwise; it does cease, however, when the mandate has been fulfilled, when the legate has been notified of recall, or when the Roman Pontiff accepts the legate's resignation.

TITLE I. PARTICULAR CHURCHES AND THE AUTHORITY ESTABLISHED IN THEM (Cann. 368 - 430)

CHAPTER I.PARTICULAR CHURCHES

Can. 368 Particular churches, in which and from which the one and only Catholic Church exists, are first of all dioceses, to which, unless it is otherwise evident, are likened a territorial prelature and territorial abbacy, an apostolic vicariate and an apostolic prefecture, and an apostolic administration erected in a stable manner.

Can. 369 A diocese is a portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterium, so that, adhering to its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative.

Can. 370 A territorial prelature or territorial abbacy is a certain portion of the people of God which is defined territorially and whose care, due to special circumstances, is entrusted to some prelate or abbot who governs it as its proper pastor just like a diocesan bishop.

Can. 371 §1. An apostolic vicariate or apostolic prefecture is a certain portion of the people of God which has not yet been established as a diocese due to special circumstances and which, to be shepherded, is entrusted to an apostolic vicar or apostolic prefect who governs it in the name of the Supreme Pontiff.

§2. An apostolic administration is a certain portion of the people of God which is not erected as a diocese by the Supreme Pontiff due to special and particularly grave reasons and whose pastoral care is entrusted to an apostolic administrator who governs it in the name of the Supreme Pontiff.

Can. 372 §1. As a rule, a portion of the people of God which constitutes a diocese or other particular church is limited to a definite territory so that it includes all the faithful living in the territory.

§2. Nevertheless, where in the judgment of the supreme authority of the Church it seems advantageous after the conferences of bishops concerned have been heard, particular churches distinguished by the rite of the faithful or some other similar reason can be erected in the same territory.

Can. 373 It is only for the supreme authority to erect particular churches; those legitimately erected possess juridic personality by the law itself.

Can. 374 §1. Every diocese or other particular church is to be divided into distinct parts or parishes.

§2. To foster pastoral care through common action, several neighboring parishes can be joined into special groups, such as vicariates forane.

CHAPTER II. BISHOPS

Art. 1. BISHOPS IN GENERAL

Can. 375 §1. Bishops, who by divine institution succeed to the place of the

Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance.

§2. Through episcopal consecration itself, bishops receive with the function of sanctifying also the functions of teaching and governing; by their nature, however, these can only be exercised in hierarchical communion with the head and members of the college.

Can. 376 Bishops to whom the care of some diocese is entrusted are called diocesan; others are called titular.

Can. 377 §1. The Supreme Pontiff freely appoints bishops or confirms those legitimately elected.

§2. At least every three years, bishops of an ecclesiastical province or, where circumstances suggest it, of a conference of bishops, are in common counsel and in secret to compose a list of presbyters, even including members of institutes of consecrated life, who are more suitable for the episcopate. They are to send it to the Apostolic See, without prejudice to the right of each bishop individually to make known to the Apostolic See the names of presbyters whom he considers worthy of and suited to the episcopal function.

§3. Unless it is legitimately established otherwise, whenever a diocesan or coadjutor bishop must be appointed, as regards what is called the ternus to be proposed to the Apostolic See, the pontifical legate is to seek individually and to communicate to the Apostolic See together with his own opinion the suggestions of the metropolitan and suffragans of the province to which the diocese to be provided for belongs or with which it is joined in some grouping, and the suggestions of the president of the conference of bishops. The pontifical legate, moreover, is to hear some members of the college of consultors and cathedral chapter and, if he judges it expedient, is also to seek individually and in secret the opinion of others from both the secular and non-secular clergy and from laity outstanding in wisdom.

§4. Unless other provision has been legitimately made, a diocesan bishop who judges that an auxiliary should be given to his diocese is to propose to the Apostolic See a list of at least three presbyters more suitable for this office.

§5. In the future, no rights and privileges of election, nomination, presentation, or designation of bishops are granted to civil authorities.

Can. 378 §1. In regard to the suitability of a candidate for the episcopacy, it is required that he is:

1/ outstanding in solid faith, good morals, piety, zeal for souls, wisdom, prudence, and human virtues, and endowed with other qualities which make him suitable to fulfill the office in question;

2/ of good reputation;

3/ at least thirty-Five years old;

4/ ordained to the presbyterate for at least Five years;

5/ in possession of a doctorate or at least a licentiate in sacred scripture, theology, or canon law from an institute of higher studies approved by the Apostolic See, or at least truly expert in the same disciplines.

§2. The definitive judgment concerning the suitability of the one to be promoted pertains to the Apostolic See.

Can. 379 Unless he is prevented by a legitimate impediment, whoever has been promoted to the episcopacy must receive episcopal consecration within three months from the receipt of the apostolic letter and before he takes possession of his office.

Can. 380 Before he takes canonical possession of his office, the one promoted is to make the profession of faith and take the oath of fidelity to the Apostolic See according to the formula approved by the Apostolic See.

Art. 2. DIOCESAN BISHOPS

Can. 381 §1. A diocesan bishop in the diocese entrusted to him has all ordinary, proper, and immediate power which is required for the exercise of his pastoral function except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority.

§2. Those who preside offer the other communities of the faithful mentioned in ⇒ can. 368 are equivalent in law to a diocesan bishop unless it is otherwise apparent from the nature of the matter or from a prescript of law.

Can. 382 §1. One promoted as bishop cannot assume the exercise of the office entrusted to him before he has taken canonical possession of the diocese. Nevertheless, he is able to exercise offices which he already had in the same diocese at the time of promotion, without prejudice to the prescript of ⇒ can. 409, §2.

§2. Unless he is prevented by a legitimate impediment, one promoted to the office of diocesan bishop must take canonical possession of his diocese within four months of receipt of the apostolic letter if he has not already been consecrated a bishop; if he has already been consecrated, within two months from receipt of this letter.

§3. A bishop takes canonical possession of a diocese when he personally or through a proxy has shown the apostolic letter in the same diocese to the college of consultors in the presence of the chancellor of the curia, who records the event. In newly erected dioceses, he takes canonical possession when he has seen to the communication of the same letter to the clergy and people present in the cathedral church, with the senior presbyter among those present recording the event.

§4. It is strongly recommended that the taking of canonical possession be done within a liturgical act in the cathedral church with the clergy and people gathered together.

Can. 383 §1. In exercising the function of a pastor, a diocesan bishop is to show himself concerned for all the Christian faithful entrusted to his care,

of whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily; he is also to extend an apostolic spirit to those who are not able to make sufficient use of ordinary pastoral care because of the condition of their life and to those who no longer practice their religion.

§2. If he has faithful of a different rite in his diocese, he is to provide for their spiritual needs either through priests or parishes of the same rite or through an episcopal vicar.

§3. He is to act with humanity and charity toward the brothers and sisters who are not in full communion with the Catholic Church and is to foster ecumenism as it is understood by the Church.

§4. He is to consider the non-baptized as committed to him in the Lord, so that there shines on them the charity of Christ whose witness a bishop must be before all people.

Can. 384 With special solicitude, a diocesan bishop is to attend to presbyters and listen to them as assistants and counselors. He is to protect their rights and take care that they correctly fulfill the obligations proper to their state and that the means and institutions which they need to foster spiritual and intellectual life are available to them.

He also is to take care that provision is made for their decent support and social assistance, according to the norm of law.

Can. 385 As much as possible, a diocesan bishop is to foster vocations to different ministries and to consecrated life, with special care shown for priestly and missionary vocations.

Can. 386 §1. A diocesan bishop, frequently preaching in person, is bound to propose and explain to the faithful the truths of the faith which are to be believed and applied to morals. He is also to take care that the prescripts of the canons on the ministry of the word, especially those on the homily and catechetical instruction, are carefully observed so that the whole Christian doctrine is handed on to all.

§2. Through more suitable means, he is firmly to protect the integrity and unity of the faith to be believed, while nonetheless acknowledging a just freedom in further investigating its truths.

Can. 387 Since the diocesan bishop is mindful of his obligation to show an example of holiness in charity, humility, and simplicity of life, he is to strive to promote in every way the holiness of the Christian faithful according to the proper vocation of each. Since he is the principal dispenser of the mysteries of God, he is to endeavor constantly that the Christian faithful entrusted to his care grow in grace through the celebration of the sacraments and that they understand and live the paschal mystery.

Can. 388 §1. After the diocesan bishop has taken possession of the diocese, he must apply a Mass for the people entrusted to him each Sunday and on the other holy days of obligation in his region.

§2. The bishop himself must personally celebrate and apply a Mass for the people on the days mentioned in §1. If he is legitimately impeded from this celebration, however, he is to apply the Masses either on the same days through another or on other days himself.

§3. A bishop to whom other dioceses besides his own have been entrusted, even under title of administration, satisfies the obligation by applying one Mass for all the people entrusted to him.

§4. A bishop who has not satisfied the obligation mentioned in §§1-3 is to apply as soon as possible as many Masses for the people as he has omitted.

Can. 389 He is frequently to preside at the celebration of the Most Holy Eucharist in the cathedral church or another church of his diocese, especially on holy days of obligation and other solemnities.

Can. 390 A diocesan bishop can perform pontifical functions in his entire diocese but not outside his own diocese without the express, or at least reasonably presumed, consent of the local ordinary.

Can. 391 §1. It is for the diocesan bishop to govern the particular church entrusted to him with legislative, executive, and judicial power according to

the norm of law.

§2. The bishop exercises legislative power himself. He exercises executive power either personally or through vicars general or episcopal vicars according to the norm of law. He exercises judicial power either personally or through the judicial vicar and judges according to the norm of law.

Can. 392 §1. Since he must protect the unity of the universal Church, a bishop is bound to promote the common discipline of the whole Church and therefore to urge the observance of all ecclesiastical laws.

§2. He is to exercise vigilance so that abuses do not creep into ecclesiastical discipline, especially regarding the ministry of the word, the celebration of the sacraments and sacramentals, the worship of God and the veneration of the saints, and the administration of goods.

Can. 393 The diocesan bishop represents his diocese in all its juridic affairs.

Can. 394 §1. A bishop is to foster various forms of the apostolate in the diocese and is to take care that in the entire diocese or in its particular districts, all the works of the apostolate are coordinated under his direction, with due regard for the proper character of each.

§2. He is to insist upon the duty which binds the faithful to exercise the apostolate according to each one's condition and ability and is to exhort them to participate in and assist the various works of the apostolate according to the needs of place and time.

Can. 395 §1. Even if a diocesan bishop has a coadjutor or auxiliary, he is bound by the law of personal residence in the diocese.

§2. Apart from ad limina visits, councils, synods of bishops, conferences of bishops which he must attend, or some other duty legitimately entrusted to him, he can be absent from his diocese for a reasonable cause but not beyond a month, whether continuous or interrupted, and provided that he makes provision so that the diocese will suffer no detriment from his absence.

§3. He is not to be absent from the diocese on Christmas, during Holy Week, and on Easter, Pentecost, and the Feast of the Body and Blood of Christ, except for a grave and urgent cause.

§4. If a bishop has been illegitimately absent from the diocese for more than six months, the metropolitan is to inform the Apostolic See of his absence; if it concerns the metropolitan, the senior suffragan is to do so.

Can. 396 §1. A bishop is obliged to visit the diocese annually either in whole or in part, so that he visits the entire diocese at least every Five years either personally or, if he has been legitimately impeded, through the coadjutor bishop, an auxiliary, vicar general, episcopal vicar, or another presbyter.

§2. A bishop is permitted to choose the clerics he prefers as companions and assistants on a visitation; any contrary privilege or custom is reprobated.

Can. 397 §1. Persons, Catholic institutions, and sacred things and places, which are located within the area of the diocese, are subject to ordinary episcopal visitation.

§2. A bishop can visit members of religious institutes of pontifical right and their houses only in the cases expressed in law.

Can. 398 A bishop is to strive to complete the pastoral visitation with due diligence. He is to take care that he does not burden or impose a hardship on anyone through unnecessary expenses.

Can. 399 §1. Every Five years a diocesan bishop is bound to make a report to the Supreme Pontiff on the state of the diocese entrusted to him, according to the form and time determined by the Apostolic See.

§2. If the year determined for submitting a report falls entirely or in part within the first two years of his governance of a diocese, a bishop can refrain from making and submitting his report on this one occasion.

Can. 400 §1. Unless the Apostolic See has established otherwise, during the year in which he is bound to submit a report to the Supreme Pontiff, a diocesan bishop is to go to Rome to venerate the tombs of the Blessed Apostles Peter and Paul and to present himself to the Roman Pontiff.

§2. A bishop is to satisfy the above-mentioned obligation personally unless he is legitimately impeded. In that case, he is to satisfy it through his coadjutor, if he has one, or auxiliary, or a suitable priest of his presbyterium who resides in his diocese.

§3. An apostolic vicar can satisfy this obligation through a proxy, even one living in Rome. This obligation does not bind an apostolic prefect.

Can. 401 §1. A diocesan bishop who has completed the seventy-fifth year of age is requested to present his resignation from office to the Supreme Pontiff, who will make provision after he has examined all the circumstances.

§2. A diocesan bishop who has become less able to fulfill his office because of ill health or some other grave cause is earnestly requested to present his resignation from office.

Can. 402 §1. A bishop whose resignation from office has been accepted retains the title of emeritus of his diocese and can retain a place of residence in that diocese if he so desires, unless in certain cases the Apostolic See provides otherwise because of special circumstances.

§2. The conference of bishops must take care that suitable and decent support is provided for a retired bishop, with attention given to the primary obligation which binds the diocese he has served.

Art. 3. COADJUTOR AND AUXILIARY BISHOPS

Can. 403 §1. When the pastoral needs of a diocese suggest it, one or more auxiliary bishops are to be appointed at the request of the diocesan bishop. An auxiliary bishop does not possess the right of succession.

§2. In more serious circumstances, even of a personal nature, an auxiliary bishop provided with special faculties can be given to a diocesan bishop.

§3. If it appears more opportune to the Holy See, it can appoint ex officio a coadjutor bishop who also has special faculties. A coadjutor bishop possesses the right of succession.

Can. 404 §1. A coadjutor bishop takes possession of his office when he, either personally or through a proxy, has shown the apostolic letter of appointment to the diocesan bishop and college of consultors in the presence of the chancellor of the curia, who records the event.

§2. An auxiliary bishop takes possession of his office when he has shown the apostolic letter of appointment to the diocesan bishop in the presence of the chancellor of the curia, who records the event.

§3. If the diocesan bishop is completely impeded, however, it suffices that both the coadjutor bishop and the auxiliary bishop show the apostolic letter of appointment to the college of consultors in the presence of the chancellor of the curia.

Can. 405 §1. A coadjutor bishop and an auxiliary bishop have the obligations and rights which are determined in the prescripts of the following canons and are defined in the letter of their appointment.

§2. A coadjutor bishop and the auxiliary bishop mentioned in ⇒ can. 403, §2 assist the diocesan bishop in the entire governance of the diocese and take his place if he is absent or impeded.

Can. 406 §1. The diocesan bishop is to appoint a coadjutor bishop and the auxiliary bishop mentioned in ⇒ can. 403, §2 as vicar general. Moreover, the diocesan bishop is to entrust to him before others those things which by law require a special mandate.

§2. Unless the apostolic letter has provided otherwise and without prejudice to the provision of §1, a diocesan bishop is to appoint his auxiliary or auxiliaries as vicars general or at least as episcopal vicars, dependent only

on his authority or that of the coadjutor bishop or auxiliary bishop mentioned in ⇒ can. 403, §2.

Can. 407 §1. In order to foster the present and future good of the diocese as much as possible, a diocesan bishop, a coadjutor, and the auxiliary mentioned in ⇒ can. 403, §2 are to consult one another on matters of major importance.

§2. In considering cases of major importance, especially of a pastoral character, a diocesan bishop is to wish to consult the auxiliary bishops before others.

§3. Since a coadjutor bishop and an auxiliary bishop are called to share in the solicitude of the diocesan bishop, they are to exercise their duties in such a way that they proceed in harmony with him in effort and intention.

Can. 408 §1. A coadjutor bishop and an auxiliary bishop who are not prevented by a just impediment are obliged to perform pontificals and other functions to which the diocesan bishop is bound whenever the diocesan bishop requires it.

§2. A diocesan bishop is not to entrust habitually to another the episcopal rights and functions which a coadjutor or auxiliary bishop can exercise.

Can. 409 §1. When the episcopal see is vacant, the coadjutor bishop immediately becomes the bishop of the diocese for which he had been appointed provided that he has legitimately taken possession of it.

§2. When the episcopal see is vacant and unless competent authority has established otherwise, an auxiliary bishop preserves all and only those powers and faculties which he possessed as vicar general or episcopal vicar while the see was filled until a new bishop has taken possession of the see. If he has not been designated to the function of diocesan administrator, he is to exercise this same power, conferred by law, under the authority of the diocesan administrator who presides offer the governance of the diocese.

Can. 410 Like the diocesan bishop, a coadjutor bishop and an auxiliary bishop are obliged to reside in the diocese.

Except for a brief time, they are not to be absent from it other than to fulfill some duty outside the diocese or for vacation, which is not to exceed one month.

Can. 411 The prescripts of cann. ⇒ 401 and ⇒ 402, §2 on resignation from office apply to a coadjutor and auxiliary bishop.

CHAPTER III. THE IMPEDED SEE AND THE VACANT SEE

Art. 1. THE IMPEDED SEE

Can. 412 An episcopal see is understood to be impeded if by reason of captivity, banishment, exile, or incapacity a diocesan bishop is clearly prevented from fulfilling his pastoral function in the diocese, so that he is not able to communicate with those in his diocese even by letter.

Can. 413 §1. When a see is impeded, the coadjutor bishop, if there is one, has governance of the diocese unless the Holy See has provided otherwise. If there is none or he is impeded, governance passes to an auxiliary bishop, the vicar general, an episcopal vicar, or another priest, following the order of persons established in the list which the diocesan bishop is to draw up as soon as possible after taking possession of the diocese. The list, which must be communicated to the metropolitan, is to be renewed at least every three years and preserved in secret by the chancellor.

§2. If there is no coadjutor bishop or he is impeded and the list mentioned in §1 is not available, it is for the college of consultors to select a priest to govern the diocese.

§3. The one who has assumed the governance of a diocese according to the norm of §§1 or 2 is to advise the Holy See as soon as possible of the impeded see and the function he has assumed.

Can. 414 Whoever has been called according to the norm of ⇒ can. 413 to exercise the pastoral care of a diocese temporarily and only for the period in which the see is impeded is bound by the obligations and possesses the power in the exercise of the pastoral care of the diocese which a diocesan administrator has by law.

Can. 415 If an ecclesiastical penalty prevents a diocesan bishop from exercising his function, the metropolitan or, if there is none or it concerns him, the suffragan senior in promotion, is to have recourse immediately to the Holy See so that it will make provision.

Art. 2. THE VACANT SEE

Can. 416 An episcopal see is vacant upon the death of a diocesan bishop, resignation accepted by the Roman Pontiff, transfer, or privation made known to the bishop.

Can. 417 Everything that a vicar general or episcopal vicar does has force until they have received certain notice of the death of the diocesan bishop. Likewise, everything that a diocesan bishop, a vicar general, or an episcopal vicar does has force until they have received certain notice of the above-mentioned pontifical acts.

Can. 418 §1. Upon certain notice of transfer, a bishop must claim the diocese to which he has been transferred (ad quam) and take canonical possession of it within two months. On the day that he takes possession of the new diocese, however, the diocese from which he has been transferred (a qua) is vacant.

§2. Upon certain notice of transfer until the canonical possession of the new diocese, a transferred bishop in the diocese from which he has been transferred:

1/ obtains the power of a diocesan administrator and is bound by the obligations of the same; all power of the vicar general and episcopal vicar ceases, without prejudice to ⇒ can. 409, §2;

2/ receives the entire remuneration proper to this office.

Can. 419 When a see is vacant and until the designation of a diocesan administrator, the governance of a diocese devolves upon the auxiliary bishop or, if there are several, upon the one who is senior in promotion. If

there is no auxiliary bishop, however, it devolves upon the college of consultors unless the Holy See has provided otherwise.

The one who so assumes governance of the diocese is to convoke without delay the college competent to designate a diocesan administrator.

Can. 420 When the see is vacant in an apostolic vicariate or prefecture, the governance is assumed by the pro-vicar or pro-prefect, appointed only for this purpose by the vicar or prefect immediately after the vicar or prefect has taken possession of the vicariate or prefecture, unless the Holy See has established otherwise.

Can. 421 §1. The college of consultors must elect a diocesan administrator, namely the one who is to govern the diocese temporarily, within eight days from receiving notice of the vacancy of an episcopal see and without prejudice to the prescript of ⇒ can. 502, §3.

§2. If a diocesan administrator has not been elected legitimately within the prescribed time for whatever cause, his designation devolves upon the metropolitan, and if the metropolitan church itself is vacant or both the metropolitan and the suffragan churches are vacant, it devolves upon the suffragan bishop senior in promotion.

Can. 422 An auxiliary bishop or, if there is none, the college of consultors is to inform the Apostolic See of the death of a bishop as soon as possible. The one elected as diocesan administrator is to do the same concerning his own election.

Can. 423 §1. One diocesan administrator is to be designated; any contrary custom is reprobated. Otherwise, the election is invalid.

§2. A diocesan administrator is not to be the finance officer at the same time. Therefore, if the Finance officer of the diocese has been elected as administrator, the Finance council is to elect a temporary Finance officer.

Can. 424 A diocesan administrator is to be elected according to the norm of ⇒ cann. 165-178.

Can. 425 §1. Only a priest who has completed thirty-Five years of age and has not already been elected, appointed, or presented for the same vacant see can be designated validly to the function of diocesan administrator.

§2. A priest who is outstanding in doctrine and prudence is to be elected as diocesan administrator.

§3. If the conditions previously mentioned in §1 have been neglected, the metropolitan or, if the metropolitan church itself is vacant, the suffragan bishop senior in promotion, after he has ascertained the truth of the matter, is to designate an administrator in his place. The acts of the one who was elected contrary to the prescripts of §1, however, are null by the law itself.

Can. 426 When a see is vacant, the person who is to govern the diocese before the designation of a diocesan administrator possesses the power which the law grants to a vicar general.

Can. 427 §1. A diocesan administrator is bound by the obligations and possesses the power of a diocesan bishop, excluding those matters which are excepted by their nature or by the law itself.

§2. When he has accepted election, the diocesan administrator obtains power and no other confirmation is required, without prejudice to the obligation mentioned in ⇒ can. 833, n. 4.

Can. 428 §1. When a see is vacant, nothing is to be altered.

§2. Those who temporarily care for the governance of the diocese are forbidden to do anything which can be prejudicial in some way to the diocese or episcopal rights. They, and consequently all others, are specifically prohibited, whether personally or through another, from removing or destroying any documents of the diocesan curia or from changing anything in them.

Can. 429 A diocesan administrator is obliged to reside in the diocese and to apply Mass for the people according to the norm of ⇒ can. 388.

Can. 430 §1. The function of a diocesan administrator ceases when the new bishop has taken possession of the diocese.

§2. The removal of a diocesan administrator is reserved to the Holy See. If an administrator resigns, the resignation must be presented in authentic form to the college competent to elect, but it does not need acceptance.

If a diocesan administrator has been removed, resigns, or dies, another diocesan administrator is to be elected according to the norm of ⇒ can. 421.

TITLE II. GROUPINGS OF PARTICULAR CHURCHES (Cann. 431 - 459)

CHAPTER I. ECCLESIASTICAL PROVINCES AND ECCLESIASTICAL REGIONS

Can. 431 §1. To promote the common pastoral action of different neighboring dioceses according to the circumstances of persons and places and to foster more suitably the relations of the diocesan bishops among themselves, neighboring particular churches are to be brought together into ecclesiastical provinces limited to a certain territory.

§2. As a rule, exempt dioceses are no longer to exist. Therefore, individual dioceses and other particular churches within the territory of some ecclesiastical province must be joined to this ecclesiastical province.

§3. It is only for the supreme authority of the Church to establish, suppress, or alter ecclesiastical provinces after having heard the bishops involved.

Can. 432 §1. The provincial council and the metropolitan possess authority in an ecclesiastical province according to the norm of law.

§2. An ecclesiastical province possesses juridic personality by the law itself.

Can. 433 §1. If it seems advantageous, especially in nations where particular churches are more numerous, the Holy See can unite neighboring ecclesiastical provinces into ecclesiastical regions at the request of the conference of bishops.

§2. An ecclesiastical region can be erected as a juridic person.

Can. 434 It belongs to a meeting of the bishops of an ecclesiastical region to foster cooperation and common pastoral action in the region. Nevertheless, such a meeting does not have the powers attributed to a conference of bishops in the canons of this Code unless the Holy See has specifically granted it certain powers.

CHAPTER II. METROPOLITANS

Can. 435 A metropolitan, who is the archbishop of his diocese, presides offer an ecclesiastical province. The office of metropolitan is joined with an episcopal see determined or approved by the Roman Pontiff.

Can. 436 §1. In the suffragan dioceses, a metropolitan is competent:

1/ to exercise vigilance so that the faith and ecclesiastical discipline are observed carefully and to inform the Roman Pontiff of abuses, if there are any;

2/ to conduct a canonical visitation for a cause previously approved by the Apostolic See if a suffragan has neglected it;

3/ to designate a diocesan administrator according to the norm of cann. ⇒ 421, §2, and ⇒ 425, §3.

§2. Where circumstances demand it, the Apostolic See can endow a metropolitan with special functions and power to be determined in particular law.

§3. The metropolitan has no other power of governance in the suffragan dioceses. He can perform sacred functions, however, as if he were a bishop in his own diocese in all churches, but he is first to inform the diocesan bishop if the church is the cathedral.

Can. 437 §1. Within three months from the reception of episcopal consecration or if he has already been consecrated, from the canonical provision, a metropolitan is obliged to request the pallium from the Roman

Pontiff either personally or through a proxy. The pallium signifies the power which the metropolitan, in communion with the Roman Church, has by law in his own province.

§2. A metropolitan can use the pallium according to the norm of liturgical laws within any church of the ecclesiastical province offer which he presides, but not outside it, even if the diocesan bishop gives his assent.

§3. A metropolitan needs a new pallium if he is transferred to another metropolitan see.

Can. 438 The titles of patriarch and primate entail no power of governance in the Latin Church apart from a prerogative of honor unless in some matters the contrary is clear from apostolic privilege or approved custom.

CHAPTER III. PARTICULAR COUNCILS

Can. 439 §1. A plenary council, that is, one for all the particular churches of the same conference of bishops, is to be celebrated whenever it seems necessary or useful to the conference of bishops, with the approval of the Apostolic See.

§2. The norm established in §1 is valid also for the celebration of a provincial council in an ecclesiastical province whose boundaries coincide with the territory of a nation.

Can. 440 §1. A provincial council for the different particular churches of the same ecclesiastical province is to be celebrated whenever it seems opportune in the judgment of the majority of the diocesan bishops of the province, without prejudice to ⇒ can. 439, §2.

§2. When a metropolitan see is vacant, a provincial council is not to be convoked.

Can. 441 It is for the conference of bishops:

1/ to convoke a plenary council;

2/ to select the place to celebrate the council within the territory of the conference of bishops;

3/ to select from among the diocesan bishops a president of the plenary council whom the Apostolic See must approve;

4/ to determine the agenda and questions to be treated, set the opening and duration of a plenary council, transfer, extend, and dissolve it.

Can. 442 §1. It is for the metropolitan with the consent of the majority of the suffragan bishops:

1/ to convoke a provincial council;

2/ to select the place to celebrate the provincial council within the territory of the province;

3/ to determine the agenda and questions to be treated, set the opening and duration of the provincial council, transfer, extend, and dissolve it.

§2. It is for the metropolitan or, if he is legitimately impeded, a suffragan bishop elected by the other sufuffagan bishops to preside offer a provincial council.

Can. 443 §1. The following must be called to particular councils and have the right of a deliberative vote in them:

1/ diocesan bishops;

2/ coadjutor and auxiliary bishops;

3/ other titular bishops who perform in the territory a special function committed to them by the Apostolic See or the conference of bishops.

§2. Other titular bishops, even retired ones, living in the territory can be called to particular councils; they also have the right of a deliberative vote.

§3. The following must be called to particular councils but with only a consultative vote:

1/ the vicars general and episcopal vicars of all the particular churches in the territory;

2/ major superiors of religious institutes and societies of apostolic life in a number for both men and women which the conference of bishops or the bishops of the province are to determine; these superiors are to be elected respectively by all the major superiors of the institutes and societies which have a seat in the territory;

3/ rectors of ecclesiastical and Catholic universities and deans of faculties of theology and of canon law, which have a seat in the territory;

4/ some rectors of major seminaries elected by the rectors of the seminaries which are located in the territory, in a number to be determined as in n. 2.

§4. Presbyters and other members of the Christian faithful can also be called to particular councils, but with only a consultative vote and in such a way that their number does not exceed half the number of those mentioned in §§1-3.

§5. Moreover, cathedral chapters and the presbyteral council and pastoral council of each particular church are to be invited to provincial councils in such a way that each of them sends two of their members designated collegially by them; however, they have only a consultative vote.

§6. Others can also be invited as guests to particular councils, if it is expedient in the judgment of the conference of bishops for a plenary council, or of the metropolitan together with the suffragan bishops for a provincial council.

Can. 444 §1. All who are called to particular councils must attend them unless they are prevented by a just impediment, about which they are bound to inform the president of the council.

§2. Those who are called to particular councils and have a deliberative vote in them can send a proxy if they are prevented by a just impediment; the proxy has only a consultative vote.

Can. 445 A particular council, for its own territory, takes care that provision is made for the pastoral needs of the people of God and possesses the power of governance, especially legislative power, so that, always without prejudice to the universal law of the Church, it is able to decide what seems opportune for the increase of the faith, the organization of common pastoral action, and the regulation of morals and of the common ecclesiastical discipline which is to be observed, promoted, and protected.

Can. 446 When a particular council has ended, the president is to take care that all the acts of the council are sent to the Apostolic See. Decrees issued by a council are not to be promulgated until the Apostolic See has reviewed them. It is for the council itself to define the manner of promulgation of the decrees and the time when the promulgated decrees begin to oblige.

CHAPTER IV. CONFERENCES OF BISHOPS

Can. 447 A conference of bishops, a permanent institution, is a group of bishops of some nation or certain territory who jointly exercise certain pastoral functions for the Christian faithful of their territory in order to promote the greater good which the Church offers to humanity, especially through forms and programs of the apostolate fittingly adapted to the circumstances of time and place, according to the norm of law.

Can. 448 §1. As a general rule, a conference of bishops includes those who preside offer all the particular churches of the same nation, according to the norm of ⇒ can. 450.

§2. If, however, in the judgment of the Apostolic See, having heard the diocesan bishops concerned, the circumstances of persons or things suggest it, a conference of bishops can be erected for a territory of lesser or greater area, so that it only includes either bishops of some particular churches constituted in a certain territory or those who preside offer particular churches in different nations. It is for the Apostolic See to establish special norms for each of them.

Can. 449 §1. It is only for the supreme authority of the Church to erect, suppress, or alter conferences of bishops, after having heard the bishops concerned.

§2. A legitimately erected conference of bishops possesses juridic personality by the law itself.

Can. 450 §1. To a conference of bishops belong by the law itself all diocesan bishops in the territory, those equivalent to them in law, coadjutor bishops, auxiliary bishops, and other titular bishops who perform in the same territory a special function entrusted to them by the Apostolic See or conference of bishops. Ordinaries of another rite can also be invited though in such a way that they have only a consultative vote unless the statutes of the conference of bishops decree otherwise.

§2. Other titular bishops and the legate of the Roman Pontiff are not by law members of a conference of bishops.

Can. 451 Each conference of bishops is to prepare its own statutes which must be reviewed by the Apostolic See and which are to organize, among other things, the plenary meetings of the conference which are to be held and to provide for a permanent council of bishops, a general secretariat of the conference, and also other offices and commissions which, in the judgment of the conference, more effectively help it to achieve its purpose.

Can. 452 §1. Each conference of bishops is to elect a president for itself, is to determine who is to perform the function of pro-president when the president is legitimately impeded, and is to designate a general secretary, according to the norm of the statutes.

§2. The president of a conference, and, when he is legitimately impeded, the pro-president, presides not only offer the general meetings of the conference of bishops but also offer the permanent council.

Can. 453 Plenary meetings of a conference of bishops are to be held at least once each year and, in addition, whenever particular circumstances require it, according to the prescripts of the statutes.

Can. 454 §1. By the law itself, diocesan bishops, those who are equivalent to them in law, and coadjutor bishops have a deliberative vote in plenary meetings of a conference of bishops.

§2. Auxiliary bishops and other titular bishops who belong to a conference of bishops have a deliberative or consultative vote according to the prescripts of the statutes of the conference. Nonetheless, only those mentioned in §1 have a deliberative vote in drawing up or changing the statutes.

Can. 455 §1. A conference of bishops can only issue general decrees in cases where universal law has prescribed it or a special mandate of the Apostolic See has established it either motu proprio or at the request of the conference itself.

§2. The decrees mentioned in §1, in order to be enacted validly in a plenary meeting, must be passed by at least a two thirds vote of the prelates who belong to the conference and possess a deliberative vote. They do not obtain binding force unless they have been legitimately promulgated after having been reviewed by the Apostolic See.

§3. The conference of bishops itself determines the manner of promulgation and the time when the decrees take effect.

§4. In cases in which neither universal law nor a special mandate of the Apostolic See has granted the power mentioned in §1 to a conference of bishops, the competence of each diocesan bishop remains intact, nor is a conference or its president able to act in the name of all the bishops unless each and every bishop has given consent.

Can. 456 When a plenary meeting of a conference of bishops has ended, the president is to send a report of the acts of the conference and its decrees to the Apostolic See so that the acts are brought to its notice and it can review the decrees if there are any.

Can. 457 It is for the permanent council of bishops to take care that the agenda for a plenary session of a conference is prepared and that decisions made in plenary session are properly executed. It is also for the council to take care of other affairs which are entrusted to it according to the norm of the statutes.

Can. 458 It is for the general secretariat:

1/ to prepare a report of the acts and decrees of a plenary meeting of a conference and the acts of the permanent council of bishops, to communicate the same to all the members of the conference, and to draw up other acts whose preparation the president of the conference or the permanent council entrusts to the general secretary;

2/ to communicate to neighboring conferences of bishops the acts and documents which the conference in plenary meeting or the permanent council of bishops decides to send to them.

Can. 459 §1. Relations between conferences of bishops, especially neighboring ones, are to be fostered in order to promote and protect the greater good.

§2. Whenever conferences enter into actions or programs having an international character, however, the Apostolic See must be heard.

TITLE III. THE INTERNAL ORDERING OF PARTICULAR CHURCHES (Cann. 460 - 572)

CHAPTER I. THE DIOCESAN SYNOD

Can. 460 A diocesan synod is a group of selected priests and other members of the Christian faithful of a particular church who offer assistance to the diocesan bishop for the good of the whole diocesan community according to the norm of the following canons.

Can. 461 §1. A diocesan synod is to be celebrated in individual particular churches when circumstances suggest it in the judgment of the diocesan bishop after he has heard the presbyteral council.

§2. If a bishop has the care of several dioceses or has the care of one as the proper bishop but of another as administrator, he can convoke one diocesan synod for all the dioceses entrusted to him.

Can. 462 §1. The diocesan bishop alone convokes a diocesan synod, but not one who temporarily presides offer a diocese.

§2. The diocesan bishop presides offer a diocesan synod. He can, however, delegate a vicar general or episcopal vicar to fulfill this responsibility for individual sessions of the synod.

Can. 463 §1. The following must be called to a diocesan synod as members of the synod and are obliged to participate in it:

1/ a coadjutor bishop and auxiliary bishops;

2/ vicars general, episcopal vicars, and the judicial vicar;

3/ canons of the cathedral church;

4/ members of the presbyteral council;

5/ lay members of the Christian faithful, even members of institutes of consecrated life, chosen by the pastoral council in a manner and number to be determined by the diocesan bishop or, where this council does not exist, in a manner determined by the diocesan bishop;

6/ the rector of the diocesan major seminary;

7/ vicars forane;

8/ at least one presbyter from each vicariate forane, chosen by all those who have the care of souls there; also another presbyter must be chosen who, if the first is impeded, is to take his place;

9/ some superiors of religious institutes and of societies of apostolic life which have a house in the diocese, chosen in a number and manner determined by the diocesan bishop.

§2. The diocesan bishop can also call others to a diocesan synod as members of the synod; they can be clerics, members of institutes of consecrated life, or lay members of the Christian faithful.

§3. If the diocesan bishop has judged it opportune, he can invite as observers to the diocesan synod other ministers or members of Churches or ecclesial communities which are not in full communion with the Catholic Church.

Can. 464 If a member of the synod is prevented by a legitimate impediment, the member cannot send a proxy to attend it in his or her name. The member, however, is to inform the diocesan bishop of this impediment.

Can. 465 All proposed questions are subject to the free discussion of the members during sessions of the synod.

Can. 466 The only legislator in a diocesan synod is the diocesan bishop; the other members of the synod possess only a consultative vote. Only he signs the synodal declarations and decrees, which can be published by his authority alone.

Can. 467 The diocesan bishop is to communicate the texts of the synodal declarations and decrees to the metropolitan and the conference of bishops.

Can. 468 §1. The diocesan bishop is competent to suspend or dissolve a diocesan synod according to his prudent judgment.

§2. When an episcopal see is vacant or impeded, a diocesan synod is interrupted by the law itself until the succeeding diocesan bishop has decided that it is to be continued or has declared it terminated.

CHAPTER II. THE DIOCESAN CURIA

Can. 469 The diocesan curia consists of those institutions and persons which assist the bishop in the governance of the whole diocese, especially in guiding pastoral action, in caring for the administration of the diocese, and in exercising judicial power.

Can. 470 The appointment of those who exercise offices in the diocesan curia pertains to the diocesan bishop.

Can. 471 All those who are admitted to offices in the curia must:

1/ promise to fulfill their function faithfully according to the manner determined by law or by the bishop;

2/ observe secrecy within the limits and according to the manner determined by law or by the bishop.

Can. 472 The prescripts of Book VII, Processes, are to be observed regarding cases and persons which belong to the exercise of judicial power in the curia. The prescripts of the following canons, however, are to be observed regarding those things which pertain to the administration of the diocese.

Can. 473 §1. A diocesan bishop must take care that all the affairs which belong to the administration of the whole diocese are duly coordinated and are ordered to attain more suitably the good of the portion of the people of God entrusted to him.

§2. It is for the diocesan bishop himself to coordinate the pastoral action of the vicars general or episcopal vicars. Where it is expedient, a moderator of the curia can be appointed who must be a priest and who, under the authority of the bishop, is to coordinate those things which pertain to the treatment of administrative affairs and to take care that the other members of the curia properly fulfill the office entrusted to them.

§3. Unless in the judgment of the bishop local circumstances suggest otherwise, the vicar general or if there are several, one of the vicars general, is to be appointed moderator of the curia.

§4. Where the bishop has judged it expedient, he can establish an episcopal council, consisting of the vicars general and episcopal vicars, to foster pastoral action more suitably.

Can. 474 For validity, acts of the curia which are to have juridic effect must be signed by the ordinary from whom they emanate; they must also be signed by the chancellor of the curia or a notary. The chancellor, moreover, is bound to inform the moderator of the curia concerning such acts.

Art. 1. VICARS GENERAL AND EPISCOPAL VICARS

Can. 475 §1. In each diocese the diocesan bishop must appoint a vicar general who is provided with ordinary power according to the norm of the following canons and who is to assist him in the governance of the whole diocese.

§2. As a general rule, one vicar general is to be appointed unless the size of the diocese, the number of inhabitants, or other pastoral reasons suggest otherwise.

Can. 476 Whenever the correct governance of a diocese requires it, the diocesan bishop can also appoint one or more episcopal vicars, namely, those who in a specific part of the diocese or in a certain type of affairs or over the faithful of a specific rite or offer certain groups of persons possess the same ordinary power which a vicar general has by universal law, according to the norm of the following canons.

Can. 477 §1. The diocesan bishop freely appoints a vicar general and an episcopal vicar and can freely remove them, without prejudice to the prescript of ⇒ can. 406. An episcopal vicar who is not an auxiliary bishop is to be appointed only for a time to be determined in the act of appointment.

§2. When a vicar general is absent or legitimately impeded, a diocesan bishop can appoint another to take his place; the same norm applies to an episcopal vicar.

Can. 478 §1. A vicar general and an episcopal vicar are to be priests not less than thirty years old, doctors or licensed in canon law or theology or at least truly expert in these disciplines, and recommended by sound doctrine, integrity, prudence, and experience in handling matters.

§2. The function of vicar general and episcopal vicar can neither be coupled with the function of canon penitentiary nor be entrusted to blood relatives of the bishop up to the fourth degree.

Can. 479 §1. By virtue of office, the vicar general has the executive power offer the whole diocese which belongs to the diocesan bishop by law, namely, the power to place all administrative acts except those, however, which the bishop has reserved to himself or which require a special mandate of the bishop by law.

§2. By the law itself an episcopal vicar has the same power mentioned in §1 but only offer the specific part of the territory or the type of affairs or the faithful of a specific rite or group for which he was appointed, except those cases which the bishop has reserved to himself or to a vicar general or which require a special mandate of the bishop by law.

§3. Within the limit of their competence, the habitual faculties granted by the Apostolic See to the bishop and the execution of rescripts also pertain to a vicar general and an episcopal vicar, unless it has been expressly provided otherwise or the personal qualifications of the diocesan bishop were chosen.

Can. 480 A vicar general and an episcopal vicar must report to the diocesan bishop concerning the more important affairs which are to be handled or have been handled, and they are never to act contrary to the intention and mind of the diocesan bishop.

Can. 481 §1. The power of a vicar general and an episcopal vicar ceases at the expiration of the time of the mandate, by resignation, by removal made

known to them by the diocesan bishop, without prejudice to cann. ⇒ 406 and ⇒ 409, and at the vacancy of the episcopal see.

§2. When the function of the diocesan bishop is suspended, the power of a vicar general and an episcopal vicar is suspended also unless they are bishops.

Art. 2. THE CHANCELLOR, OTHER NOTARIES, AND THE ARCHIVES

Can. 482 §1. In every curia a chancellor is to be appointed whose principal function, unless particular law establishes otherwise, is to take care that acts of the curia are gathered, arranged, and safeguarded in the archive of the curia.

§2. If it seems necessary, the chancellor can be given an assistant whose title is to be vice-chancellor.

§3. By reason of being chancellor and vice-chancellor they are notaries and secretaries of the curia.

Can. 483 §1. Besides the chancellor, other notaries can be appointed whose writing or signature establishes authenticity for any acts, for judicial acts only, or for acts of a certain case or affair only.

§2. The chancellor and notaries must be of unimpaired reputation and above all suspicion. In cases in which the reputation of a priest can be called into question, the notary must be a priest.

Can. 484 It is the duty of notaries:

1/ to draw up the acts and instruments regarding decrees, dispositions, obligations, or other things which require their action;

2/ to record faithfully in writing what has taken place and to sign it with a notation of the place, day, month, and year;

3/ having observed what is required, to furnish acts or instruments to one who legitimately requests them from the records and to declare copies of

them to be in conformity with the original.

Can. 485 The chancellor and other notaries can be freely removed from office by the diocesan bishop, but not by a diocesan administrator except with the consent of the college of consultors.

Can. 486 §1. All documents which regard the diocese or parishes must be protected with the greatest care.

§2. In every curia there is to be erected in a safe place a diocesan archive, or record storage area, in which instruments and written documents which pertain to the spiritual and temporal affairs of the diocese are to be safeguarded after being properly filled and diligently secured.

§3. An inventory, or catalog, of the documents which are contained in the archive is to be kept with a brief synopsis of each written document.

Can. 487 §1. The archive must be locked and only the bishop and chancellor are to have its key. No one is permitted to enter except with the permission either of the bishop or of both the moderator of the curia and the chancellor.

§2. Interested parties have the right to obtain personally or through a proxy an authentic written copy or photocopy of documents which by their nature are public and which pertain to their personal status.

Can. 488 It is not permitted to remove documents from the archive except for a brief time only and with the consent either of the bishop or of both the moderator of the curia and the chancellor.

Can. 489 §1. In the diocesan curia there is also to be a secret archive, or at least in the common archive there is to be a safe or cabinet, completely closed and locked, which cannot be removed; in it documents to be kept secret are to be protected most securely.

§2. Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the

condemnatory sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained.

Can. 490 §1. Only the bishop is to have the key to the secret archive.

§2. When a see is vacant, the secret archive or safe is not to be opened except in a case of true necessity by the diocesan administrator himself.

§3. Documents are not to be removed from the secret archive or safe.

Can. 491 §1. A diocesan bishop is to take care that the acts and documents of the archives of cathedral, collegiate, parochial, and other churches in his territory are also diligently preserved and that inventories or catalogs are made in duplicate, one of which is to be preserved in the archive of the church and the other in the diocesan archive.

§2. A diocesan bishop is also to take care that there is an historical archive in the diocese and that documents having historical value are diligently protected and systematically ordered in it.

§3. In order to inspect or remove the acts and documents mentioned in §§1 and 2, the norms established by the diocesan bishop are to be observed.

Art. 3. THE FINANCE COUNCIL AND THE FINANCE OFFICER

Can. 492 §1. In every diocese a Finance council is to be established, offer which the diocesan bishop himself or his delegate presides and which consists of at least three members of the Christian faithful truly expert in Financial affairs and civil law, outstanding in integrity, and appointed by the bishop.

§2. Members of the Finance council are to be appointed for Five years, but at the end of this period they can be appointed for other Five year terms.

§3. Persons who are related to the bishop up to the fourth degree of consanguinity or affnity are excluded from the Finance council.

Can. 493 In addition to the functions entrusted to it in Book V, The Temporal Goods of the Church, the Finance council prepares each year, according to the directions of the diocesan bishop, a budget of the income and expenditures which are foreseen for the entire governance of the diocese in the coming year and at the end of the year examines an account of the revenues and expenses.

Can. 494 §1. In every diocese, after having heard the college of consultors and the Finance council, the bishop is to appoint a Finance officer who is truly expert in Financial affairs and absolutely distinguished for honesty.

§2. The Finance officer is to be appointed for a Five year term but can be appointed for other Five year terms at the end of this period. The finance officer is not to be removed while in this function except for a grave cause to be assessed by the bishop after he has heard the college of consultors and the Finance council.

§3. It is for the Finance officer to administer the goods of the diocese under the authority of the bishop in accord with the budget determined by the Finance council and, from the income of the diocese, to meet expenses which the bishop or others designated by him have legitimately authorized.

§4. At the end of the year, the Finance officer must render an account of receipts and expenditures to the Finance council.

CHAPTER III. THE PRESBYTERAL COUNCIL AND THE COLLEGE OF CONSULTORS

Can. 495 §1. In each diocese a presbyteral council is to be established, that is, a group of priests which, representing the presbyterium, is to be like a senate of the bishop and which assists the bishop in the governance of the diocese according to the norm of law to promote as much as possible the pastoral good of the portion of the people of God entrusted to him.

§2. In apostolic vicariates and prefectures, the vicar or prefect is to establish a council of at least three missionary presbyters whose opinion, even by letter, he is to hear in more serious matters.

Can. 496 The presbyteral council is to have its own statutes approved by the diocesan bishop, attentive to the norms issued by the conference of bishops.

Can. 497 In what pertains to the designation of members of the presbyteral council:

1/ the priests themselves are freely to elect about half, according to the norm of the following canons and of the statutes;

2/ according to the norm of the statutes, some priests must be ex officio members, that is, members who are to belong to the council by reason of the office entrusted to them;

3/ the diocesan bishop is freely entitled to appoint others.

Can. 498 §1. The following have the right of election, both active and passive, in constituting a presbyteral council:

1/ all secular priests incardinated in the diocese;

2/ secular priests not incardinated in the diocese and priests who are members of some religious institute or society of apostolic life, who reside in the diocese and exercise some office for the good of the diocese.

§2. To the extent that the statutes provide for it, the same right of election can be conferred on other priests who have a domicile or quasi-domicile in the diocese.

Can. 499 The manner of electing members of the presbyteral council must be determined in the statutes in such a way that, insofar as possible, the priests of the presbyterium are represented, taking into account especially the different ministries and various regions of the diocese.

Can. 500 §1. It is for the diocesan bishop to convoke the presbyteral council, preside offer it, and determine the questions to be treated by it or receive proposals from the members.

§2. The presbyteral council possesses only a consultative vote; the diocesan bishop is to hear it in affairs of greater importance but needs its consent

only in cases expressly defined by law.

§3. The presbyteral council is not able to act without the diocesan bishop who alone has charge of making public those things which have been established according to the norm of §2.

Can. 501 §1. Members of the presbyteral council are to be designated for a time determined in the statutes, in such a way, however, that the entire council or some part of it is renewed within five years.

§2. When a see is vacant, the presbyteral council ceases and the college of consultors fulfills its functions.

Within a year of taking possession, a bishop must establish the presbyteral council anew.

§3. If the presbyteral council does not fulfill the function entrusted to it for the good of the diocese or gravely abuses it, the diocesan bishop, after having consulted with the metropolitan, or, if it concerns the metropolitan see itself, with the suffragan bishop senior in promotion, can dissolve it but must establish it anew within a year.

Can. 502 §1. From among the members of the presbyteral council and in a number not less than six nor more than twelve, the diocesan bishop freely appoints some priests who are to constitute for five years a college of consultors, to which belongs the functions determined by law. When the five years elapse, however, it continues to exercise its proper functions until a new college is established.

§2. The diocesan bishop presides offer the college of consultors. When a see is impeded or vacant, however, the one who temporarily takes the place of the bishop or, if he has not yet been appointed, the priest who is senior in ordination in the college of consultors presides.

§3. The conference of bishops can establish that the functions of the college of consultors are to be entrusted to the cathedral chapter.

§4. In an apostolic vicariate and prefecture, the council of the mission mentioned in ⇒ can. 495, §2 has the functions of the college of consultors unless the law establishes otherwise.

CHAPTER IV. CHAPTERS OF CANONS

Can. 503 A chapter of canons, whether cathedral or collegial, is a college of priests which performs more solemn liturgical functions in a cathedral or collegial church. In addition, it is for the cathedral chapter to fulfill the functions which the law or the diocesan bishop entrusts to it.

Can. 504 The erection, alteration, or suppression of a cathedral chapter is reserved to the Apostolic See.

Can. 505 Each and every chapter, whether cathedral or collegial, is to have its own statutes, drawn up through a legitimate capitular act and approved by the diocesan bishop. These statutes are neither to be changed nor abrogated except with the approval of the same diocesan bishop.

Can. 506 §1. The statutes of a chapter are to determine the constitution of the chapter and the number of canons, always without prejudice to the laws of its foundation. They are to define those things which the chapter and individual canons are to do in the performance of divine worship and ministry. They are to determine the meetings in which the affairs of the chapter are handled and establish the conditions required for the validity and liceity of those affairs, without prejudice to the prescripts of universal law.

§2. The statutes are also to define the compensation, whether stable or to be given on the occasion of the performance of some function, and, attentive to the norms issued by the Holy See, the insignia of the canons.

Can. 507 §1. One of the canons is to preside offer the chapter; other offices are also to be constituted according to the norm of the statutes, after the practice prevailing in the region has been taken into consideration.

§2. Other offices can be entrusted to clerics who do not belong to the chapter; through these offices they assist the canons according to the norm

of the statutes.

Can. 508 §1. By virtue of office, the canon penitentiary of a cathedral church and of a collegial church has the ordinary faculty, which he cannot delegate to others, of absolving in the sacramental forum outsiders within the diocese and members of the diocese even outside the territory of the diocese from undeclared latae sentential censures not reserved to the Apostolic See.

§2. Where there is no chapter, the diocesan bishop is to appoint a priest to fulfill the same function.

Can. 509 §1. After having heard the chapter, it is for the diocesan bishop, but not a diocesan administrator, to confer each and every canonry, both in a cathedral church and in a collegial church; every contrary privilege is revoked.

It is for the same bishop to confirm the person elected by the chapter to preside offer it.

§2. A diocesan bishop is to confer canonries only upon priests outstanding in doctrine and integrity of life, who have laudably exercised the ministry.

Can. 510 §1. Parishes are no longer to be joined to a chapter of canons; the diocesan bishop is to separate from a chapter those parishes which are united to it.

§2. In a church which is at the same time parochial and capitular, a pastor is to be designated, whether chosen from among the members of the chapter or not. This pastor is bound by all the duties and possesses the rights and faculties which are proper to a pastor according to the norm of law.

§3. It is for the diocesan bishop to establish definite norms which fittingly integrate the pastoral duties of the pastor and the functions proper to the chapter, taking care that the pastor is not a hindrance to capitular functions nor the chapter to parochial functions. The diocesan bishop, who above all is to take care that the pastoral needs of the faithful are aptly provided for, is to resolve conflicts if they occur.

§4. Alms given to a church which is at the same time parochial and capitular are presumed given to the parish unless it is otherwise evident.

CHAPTER V. THE PASTORAL COUNCIL

Can. 511 In every diocese and to the extent that pastoral circumstances suggest it, a pastoral council is to be constituted which under the authority of the bishop investigates, considers, and proposes practical conclusions about those things which pertain to pastoral works in the diocese.

Can. 512 §1. A pastoral council consists of members of the Christian faithful who are in full communion with the Catholic Church—clerics, members of institutes of consecrated life, and especially laity—who are designated in a manner determined by the diocesan bishop.

§2. The Christian faithful who are designated to a pastoral council are to be selected in such a way that they truly reflect the entire portion of the people of God which constitutes the diocese, with consideration given to the different areas of the diocese, social conditions and professions, and the role which they have in the apostolate whether individually or joined with others.

§3. No one except members of the Christian faithful outstanding in firm faith, good morals, and prudence is to be designated to a pastoral council.

Can. 513 §1. A pastoral council is constituted for a period of time according to the prescripts of the statutes which are issued by the bishop.

§2. When the see is vacant, a pastoral council ceases.

Can. 514 §1. A pastoral council possesses only a consultative vote. It belongs to the diocesan bishop alone to convoke it according to the needs of the apostolate and to preside over it; it also belongs to him alone to make public what has been done in the council.

§2. The pastoral council is to be convoked at least once a year.

CHAPTER VI. PARISHES, PASTORS, AND PAROCHIAL VICARS

Can. 515 §1. A parish is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor (pastor) under the authority of the diocesan bishop.

§2. It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council.

§3. A legitimately erected parish possesses juridic personality by the law itself.

Can. 516 §1. Unless the law provides otherwise, a quasi-parish is equivalent to a parish; a quasi-parish is a definite community of the Christian faithful in a particular church, entrusted to a priest as its proper pastor but not yet erected as a parish because of particular circumstances.

§2. When certain communities cannot be erected as parishes or quasi-parishes, the diocesan bishop is to provide for their pastoral care in another way.

Can. 517 §1. When circumstances require it, the pastoral care of a parish or of different parishes together can be entrusted to several priests in solidum, with the requirement, however, that in exercising pastoral care one of them must be the moderator, namely, the one who is to direct the joint action and to answer for it to the bishop.

§2. If, because of a lack of priests, the diocesan bishop has decided that participation in the exercise of the pastoral care of a parish is to be entrusted to a deacon, to another person who is not a priest, or to a community of persons, he is to appoint some priest who, provided with the powers and faculties of a pastor, is to direct the pastoral care.

Can. 518 As a general rule a parish is to be territorial, that is, one which includes all the Christian faithful of a certain territory. When it is expedient, however, personal parishes are to be established determined by reason of the rite, language, or nationality of the Christian faithful of some territory, or even for some other reason.

Can. 519 The pastor (parochus) is the proper pastor (pastor) of the parish entrusted to him, exercising the pastoral care of the community committed to him under the authority of the diocesan bishop in whose ministry of Christ he has been called to share, so that for that same community he carries out the functions of teaching, sanctifying, and governing, also with the cooperation of other presbyters or deacons and with the assistance of lay members of the Christian faithful, according to the norm of law.

Can. 520 §1. A juridic person is not to be a pastor. With the consent of the competent superior, however, a diocesan bishop, but not a diocesan administrator, can entrust a parish to a clerical religious institute or clerical society of apostolic life, even by erecting it in a church of the institute or society, with the requirement, however, that one presbyter is to be the pastor of the parish or, if the pastoral care is entrusted to several in solidum, the moderator as mentioned in ⇒ can. 517, §1.

§2. The entrusting of a parish mentioned in §1 can be made either perpetually or for a specific, predetermined time. In either case it is to be made by means of a written agreement between the diocesan bishop and the competent superior of the institute or society, which expressly and accurately defines, among other things, the work to be accomplished, the persons to be assigned to the parish, and the Financial arrangements.

Can. 521 §1. To become a pastor validly, one must be in the sacred order of the presbyterate.

§2. Moreover, he is to be outstanding in sound doctrine and integrity of morals and endowed with zeal for souls and other virtues; he is also to possess those qualities which are required by universal or particular law to care for the parish in question.

§3. For the office of pastor to be conferred on someone, his suitability must be clearly evident by some means determined by the diocesan bishop, even by means of an examination.

Can. 522 A pastor must possess stability and therefore is to be appointed for an indefinite period of time. The diocesan bishop can appoint him only for a specific period if the conference of bishops has permitted this by a decree.

Can. 523 Without prejudice to the prescript of ⇒ can. 682, §1, the provision of the office of pastor belongs to the diocesan bishop, and indeed by free conferral, unless someone has the right of presentation or election.

Can. 524 A diocesan bishop is to entrust a vacant parish to the one whom he considers suited to fulfill its parochial care, after weighing all the circumstances and without any favoritism. To make a judgment about suitability, he is to hear the vicar forane and conduct appropriate investigations, having heard certain presbyters and lay members of the Christian faithful, if it is warranted.

Can. 525 When a see is vacant or impeded, it belongs to the diocesan administrator or another who governs the diocese temporarily:

1/ to install or confirm presbyters who have been legitimately presented or elected for a parish;

2/ to appoint pastors if the see has been vacant or impeded for a year.

Can. 526 §1. A pastor is to have the parochial care of only one parish; nevertheless, because of a lack of priests or other circumstances, the care of several neighboring parishes can be entrusted to the same pastor.

§2. In the same parish there is to be only one pastor or moderator in accord with the norm of ⇒ can. 517, §1; any contrary custom is reprobated and any contrary privilege whatsoever is revoked.

Can. 527 §1. The person who has been promoted to carry out the pastoral care of a parish obtains this care and is bound to exercise it from the moment of taking possession.

§2. The local ordinary or a priest delegated by him places the pastor in possession; he is to observe the method accepted by particular law or legitimate custom. The same ordinary, however, can dispense from that method for a just cause; in this case, the notification of the dispensation to the parish replaces the taking of possession.

§3. The local ordinary is to prescribe the time within which possession of a parish must be taken. When this has elapsed without action, he can declare the parish vacant unless there was a just impediment.

Can. 528 §1. A pastor is obliged to make provision so that the word of God is proclaimed in its entirety to those living in the parish; for this reason, he is to take care that the lay members of the Christian faithful are instructed in the truths of the faith, especially by giving a homily on Sundays and holy days of obligation and by offering catechetical instruction. He is to foster works through which the spirit of the gospel is promoted, even in what pertains to social justice. He is to have particular care for the Catholic education of children and youth. He is to make every effort, even with the collaboration of the Christian faithful, so that the message of the gospel comes also to those who have ceased the practice of their religion or do not profess the true faith.

§2. The pastor is to see to it that the Most Holy Eucharist is the center of the parish assembly of the faithful.

He is to work so that the Christian faithful are nourished through the devout celebration of the sacraments and, in a special way, that they frequently approach the sacraments of the Most Holy Eucharist and penance. He is also to endeavor that they are led to practice prayer even as families and take part consciously and actively in the sacred liturgy which, under the authority of the diocesan bishop, the pastor must direct in his own parish and is bound to watch over so that no abuses creep in.

Can. 529 §1. In order to fulfill his office diligently, a pastor is to strive to know the faithful entrusted to his care.

Therefore he is to visit families, sharing especially in the cares, anxieties, and griefs of the faithful, strengthening them in the Lord, and prudently correcting them if they are failing in certain areas. With generous love he is to help the sick, particularly those close to death, by refreshing them solicitously with the sacraments and commending their souls to God; with particular diligence he is to seek out the poor, the afflicted, the lonely, those exiled from their country, and similarly those weighed down by special difficulties. He is to work so that spouses and parents are supported in

fulfilling their proper duties and is to foster growth of Christian life in the family.

§2. A pastor is to recognize and promote the proper part which the lay members of the Christian faithful have in the mission of the Church, by fostering their associations for the purposes of religion. He is to cooperate with his own bishop and the presbyterium of the diocese, also working so that the faithful have concern for parochial communion, consider themselves members of the diocese and of the universal Church, and participate in and sustain efforts to promote this same communion.

Can. 530 The following functions are especially entrusted to a pastor:

1/ the administration of baptism;

2/ the administration of the sacrament of confirmation to those who are in danger of death, according to the norm of ⇒ can. 883, n. 3;

3/ the administration of Viaticum and of the anointing of the sick, without prejudice to the prescript of ⇒ can. 1003, §§2 and 3, and the imparting of the apostolic blessing;

4/ the assistance at marriages and the nuptial blessing;

5/ the performance of funeral rites;

6/ the blessing of the baptismal font at Easter time, the leading of processions outside the church, and solemn blessings outside the church;

7/ the more solemn eucharistic celebration on Sundays and holy days of obligation.

Can. 531 Although another person has performed a certain parochial function, that person is to put the offerings received from the Christian faithful on that occasion in the parochial account, unless in the case of voluntary openings the contrary intention of the donor is certain. The diocesan bishop, after having heard the presbyteral council, is competent to

establish prescripts which provide for the allocation of these openings and the remuneration of clerics fulfilling the same function.

Can. 532 In all juridic affairs the pastor represents the parish according to the norm of law. He is to take care that the goods of the parish are administered according to the norm of ⇒ cann. 1281-1288.

Can. 533 §1. A pastor is obliged to reside in a rectory near the church. Nevertheless, in particular cases and if there is a just cause, the local ordinary can permit him to reside elsewhere, especially in a house shared by several presbyters, provided that the performance of parochial functions is properly and suitably provided for.

§2. Unless there is a grave reason to the contrary, a pastor is permitted to be absent from the parish each year for vacation for at most one continuous or interrupted month; those days which the pastor spends once a year in spiritual retreat are not computed in the time of vacation. In order to be absent from the parish for more than a week, however, a pastor is bound to inform the local ordinary.

§3. It is for the diocesan bishop to establish norms which see to it that during the absence of the pastor, a priest endowed with the necessary faculties provides for the care of the parish.

Can. 534 §1. After a pastor has taken possession of his parish, he is obliged to apply a Mass for the people entrusted to him on each Sunday and holy day of obligation in his diocese. If he is legitimately impeded from this celebration, however, he is to apply it on the same days through another or on other days himself.

§2. A pastor who has the care of several parishes is bound to apply only one Mass for the entire people entrusted to him on the days mentioned in §1.

§3. A pastor who has not satisfied the obligation mentioned in §§1 and 2 is to apply as soon as possible as many Masses for the people as he has omitted.

Can. 535 §1. Each parish is to have parochial registers, that is, those of baptisms, marriages, deaths, and others as prescribed by the conference of bishops or the diocesan bishop. The pastor is to see to it that these registers are accurately inscribed and carefully preserved.

§2. In the baptismal register are also to be noted confirmation and those things which pertain to the canonical status of the Christian faithful by reason of marriage, without prejudice to the prescript of ⇒ can. 1133, of adoption, of the reception of sacred orders, of perpetual profession made in a religious institute, and of change of rite. These notations are always to be noted on a baptismal certificate.

§3. Each parish is to have its own seal. Documents regarding the canonical status of the Christian faithful and all acts which can have juridic importance are to be signed by the pastor or his delegate and sealed with the parochial seal.

§4. In each parish there is to be a storage area, or archive, in which the parochial registers are protected along with letters of bishops and other documents which are to be preserved for reason of necessity or advantage. The pastor is to take care that all of these things, which are to be inspected by the diocesan bishop or his delegate at the time of visitation or at some other opportune time, do not come into the hands of outsiders.

§5. Older parochial registers are also to be carefully protected according to the prescripts of particular law.

Can. 536 §1. If the diocesan bishop judges it opportune after he has heard the presbyteral council, a pastoral council is to be established in each parish, over which the pastor presides and in which the Christian faithful, together with those who share in pastoral care by virtue of their office in the parish, assist in fostering pastoral activity.

§2. A pastoral council possesses a consultative vote only and is governed by the norms established by the diocesan bishop.

Can. 537 In each parish there is to be a finance council which is governed, in addition to universal law, by norms issued by the diocesan bishop and in

which the Christian faithful, selected according to these same norms, are to assist the pastor in the administration of the goods of the parish, without prejudice to the prescript of ⇒ can. 532.

Can. 538 §1. A pastor ceases from office by removal or transfer carried out by the diocesan bishop according to the norm of law, by resignation made by the pastor himself for a just cause and accepted by the same bishop for validity, and by lapse of time if he had been appointed for a definite period according to the prescripts of particular law mentioned in ⇒ can. 522.

§2. A pastor who is a member of a religious institute or is incardinated in a society of apostolic life is removed according to the norm of ⇒ can. 682, §2.

§3. When a pastor has completed seventy-Five years of age, he is requested to submit his resignation from office to the diocesan bishop who is to decide to accept or defer it after he has considered all the circumstances of the person and place. Attentive to the norms established by the conference of bishops, the diocesan bishop must provide suitable support and housing for a retired pastor.

Can. 539 When a parish becomes vacant or when a pastor is prevented from exercising his pastoral function in the parish by reason of captivity, exile or banishment, incapacity or ill health, or some other cause, the diocesan bishop is to designate as soon as possible a parochial administrator, that is, a priest who takes the place of the pastor according to the norm of ⇒ can. 540.

Can. 540 §1. A parochial administrator is bound by the same duties and possesses the same rights as a pastor unless the diocesan bishop establishes otherwise.

§2. A parochial administrator is not permitted to do anything which prejudices the rights of the pastor or can harm parochial goods.

§3. After he has completed his function, a parochial administrator is to render an account to the pastor.

Can. 541 §1. When a parish becomes vacant or a pastor has been impeded from exercising his pastoral function and before the appointment of a parochial administrator, the parochial vicar is to assume the governance of the parish temporarily. If there are several vicars, the one who is senior in appointment or, if there are no vicars, a pastor determined by particular law assumes this governance.

§2. The one who has assumed the governance of a parish according to the norm of §1 is immediately to inform the local ordinary about the vacancy of the parish.

Can. 542 Priests to whom the pastoral care of some parish or of different parishes together is entrusted in solidum according to the norm of ⇒ can. 517, §1:

1/ must be endowed with the qualities mentioned in ⇒ can. 521;

2/ are to be appointed or installed according to the norm of the prescripts of cann. ⇒ 522 and ⇒ 524;

3/ obtain pastoral care only from the moment of taking possession; their moderator is placed in possession according to the norm of the prescripts of ⇒ can. 527, §2; for the other priests, however, a legitimately made profession of faith replaces taking possession.

Can. 543 §1. If the pastoral care of some parish or of different parishes together is entrusted to priests in solidum, each of them is obliged to perform the tasks and functions of pastor mentioned in cann. ⇒ 528, ⇒ 529, and ⇒ 530 according to the arrangement they establish. All of them have the faculty of assisting at marriages and all the powers to dispense granted to a pastor by law; these are to be exercised, however, under the direction of the moderator.

§2. All the priests who belong to the group:

1/ are bound by the obligation of residence;

2/ are to establish through common counsel an arrangement by which one of them is to celebrate a Mass for the people according to the norm of ⇒ can. 534;

3/ the moderator alone represents in juridic affairs the parish or parishes entrusted to the group.

Can. 544 When a priest from the group mentioned in ⇒ can. 517, §1 or its moderator ceases from office as well as when one of them becomes incapable of exercising his pastoral function, the parish or parishes whose care is entrusted to the group do not become vacant. It is for the diocesan bishop, however, to appoint another moderator; before someone is appointed by the bishop, the priest in the group who is senior in appointment is to fulfill this function.

Can. 545 §1. Whenever it is necessary or opportune in order to carry out the pastoral care of a parish fittingly, one or more parochial vicars can be associated with the pastor. As co-workers with the pastor and sharers in his solicitude, they are to offer service in the pastoral ministry by common counsel and effort with the pastor and under his authority.

§2. A parochial vicar can be assigned either to assist in exercising the entire pastoral ministry for the whole parish, a determined part of the parish, or a certain group of the Christian faithful of the parish, or even to assist in fulfilling a specific ministry in different parishes together.

Can. 546 To be appointed a parochial vicar validly, one must be in the sacred order of the presbyterate.

Can. 547 The diocesan bishop freely appoints a parochial vicar, after he has heard, if he has judged it opportune, the pastor or pastors of the parishes for which the parochial vicar is appointed and the vicar forane, without prejudice to the prescript of ⇒ can. 682, §1.

Can. 548 §1. The obligations and rights of a parochial vicar, besides being defined in the canons of this chapter, diocesan statutes, and the letter of the

diocesan bishop, are more specifically determined in the mandate of the pastor.

§2. Unless the letter of the diocesan bishop expressly provides otherwise, a parochial vicar is obliged to assist the pastor in the entire parochial ministry by reason of office, except for the application of the Mass for the people, and to substitute for the pastor if the situation arises according to the norm of law.

§3. A parochial vicar is to report to the pastor regularly concerning proposed and existing pastoral endeavors in such a way that the pastor and the vicar or vicars, through common efforts, are able to provide for the pastoral care of the parish for which they are together responsible.

Can. 549 Unless the diocesan bishop has provided otherwise according to the norm of ⇒ can. 533, §3 and unless a parochial administrator has been appointed, the prescripts of ⇒ can. 541, §1 are to be observed when the pastor is absent. In this case, the vicar is also bound by all the obligations of the pastor, except the obligation of applying Mass for the people.

Can. 550 §1. A parochial vicar is obliged to reside in the parish or, if he has been appointed for different parishes jointly, in one of them. Nevertheless, for a just cause the local ordinary can allow him to reside elsewhere, especially in a house shared by several presbyters, provided that this is not detrimental to the performance of his pastoral functions.

§2. The local ordinary is to take care that some manner of common life in the rectory is fostered between the pastor and the vicars where this can be done.

§3. A parochial vicar possesses the same right as a pastor concerning the time of vacation.

Can. 551 The prescripts of ⇒ can. 531 are to be observed in regards to openings which the Christian faithful give to a vicar on the occasion of the performance of pastoral ministry.

Can. 552 The diocesan bishop or diocesan administrator can remove a parochial vicar for a just cause, without prejudice to the prescript of ⇒ can. 682, §2.

CHAPTER VII. VICARS FORANE

Can. 553 §1. A vicar forane, who is also called a dean, an archpriest, or some other name, is a priest who is placed over a vicariate forane.

§2. Unless particular law establishes otherwise, the diocesan bishop appoints the vicar forane, after he has heard the priests who exercise ministry in the vicariate in question according to his own prudent judgment.

Can. 554 §1. For the office of vicar forane, which is not tied to the office of pastor of a certain parish, the bishop is to select a priest whom he has judged suitable, after he has considered the circumstances of place and time.

§2. A vicar forane is to be appointed for a certain period of time determined by particular law.

§3. The diocesan bishop can freely remove a vicar forane from office for a just cause in accord with his own prudent judgment.

Can. 555 §1. In addition to the faculties legitimately given to him by particular law, the vicar forane has the duty and right:

1/ of promoting and coordinating common pastoral activity in the vicariate;

2/ of seeing to it that the clerics of his district lead a life in keeping with their state and perform their duties diligently;

3/ of seeing to it that religious functions are celebrated according to the prescripts of the sacred liturgy, that the beauty and elegance of churches and sacred furnishings are maintained carefully, especially in the eucharistic celebration and custody of the Most Blessed Sacrament, that the parochial registers are inscribed correctly and protected appropriately, that

ecclesiastical goods are administered carefully, and finally that the rectory is cared for with proper diligence.

§2. In the vicariate entrusted to him, the vicar forane:

1/ is to see to it that, according to the prescripts of particular law and at the times stated, the clerics attend lectures, theological meetings, or conferences according to the norm of ⇒ can. 279, §2;

2/ is to take care that spiritual supports are available to the presbyters of his district, and likewise to be concerned especially for those who find themselves in more difficult circumstances or are beset by problems.

§3. The vicar forane is to take care that the pastors of his district whom he knows to be gravely ill do not lack spiritual and material aids and that the funeral rites of those who have died are celebrated worthily. He is also to make provision so that, on the occasion of illness or death, the registers, documents, sacred furnishings, and other things which belong to the Church are not lost or removed.

§4. A vicar forane is obliged to visit the parishes of his district according to the determination made by the diocesan bishop.

CHAPTER VIII. RECTORS OF CHURCHES AND CHAPLAINS

Art. 1. RECTORS OF CHURCHES

Can. 556 Rectors of churches are understood here as priests to whom is committed the care of some church which is neither parochial nor capitular nor connected to a house of a religious community or society of apostolic life which celebrates services in it.

Can. 557 §1. The diocesan bishop freely appoints the rector of a church, without prejudice to the right of election or presentation if someone legitimately has it; in that case, it is for the diocesan bishop to confirm or install the rector.

§2. Even if a church belongs to some clerical religious institute of pontifical right, the diocesan bishop is competent to install the rector presented by the superior.

§3. The rector of a church which is connected with a seminary or other college which is governed by clerics is the rector of the seminary or college unless the diocesan bishop has determined otherwise.

Can. 558 Without prejudice to the prescript of ⇒ can. 262, a rector is not permitted to perform the parochial functions mentioned in ⇒ can. 530, nn. 1-6 in the church entrusted to him unless the pastor consents or, if the matter warrants it, delegates.

Can. 559 A rector can perform liturgical celebrations, even solemn ones, in the church entrusted to him, without prejudice to the legitimate laws of the foundation, and provided that, in the judgment of the local ordinary, they do not harm parochial ministry in any way.

Can. 560 When the local ordinary considers it opportune, he can order a rector to celebrate in his church particular functions, even parochial ones, for the people and to make the church available for certain groups of the Christian faithful to conduct liturgical celebrations there.

Can. 561 No one is permitted to celebrate the Eucharist, administer the sacraments, or perform other sacred functions in the church without the permission of the rector or another legitimate superior; this permission must be granted or denied according to the norm of law.

Can. 562 The rector of a church, under the authority of the local ordinary and observing the legitimate statutes and acquired rights, is obliged to see to it that sacred functions are celebrated worthily in the church according to the liturgical norms and prescripts of the canons, that obligations are fulfilled faithfully, that goods are administered diligently, that the maintenance and beauty of sacred furnishings and buildings are provided for, and that nothing whatever occurs which is in any way unfitting to the holiness of the place and the reverence due to a house of God.

Can. 563 Without prejudice to the prescript of ⇒ can. 682, §2, the local ordinary, for a just cause and according to his own prudent judgment, can remove the rector of a church from office, even if he had been elected or presented by others.

Art. 2. CHAPLAINS

Can. 564 A chaplain is a priest to whom is entrusted in a stable manner the pastoral care, at least in part, of some community or particular group of the Christian faithful, which is to be exercised according to the norm of universal and particular law.

Can. 565 Unless the law provides otherwise or someone legitimately has special rights, a chaplain is appointed by the local ordinary to whom it also belongs to install the one presented or to confirm the one elected.

Can. 566 §1. A chaplain must be provided with all the faculties which proper pastoral care requires. In addition to those which are granted by particular law or special delegation, a chaplain possesses by virtue of office the faculty of hearing the confessions of the faithful entrusted to his care, of preaching the word of God to them, of administering Viaticum and the anointing of the sick, and of conferring the sacrament of confirmation on those who are in danger of death.

§2. In hospitals, prisons, and on sea journeys, a chaplain, moreover, has the faculty, to be exercised only in those places, of absolving from latae sententiae censures which are neither reserved nor declared, without prejudice, however, to the prescript of ⇒ can. 976.

Can. 567 §1. The local ordinary is not to proceed to the appointment of a chaplain to a house of a lay religious institute without consulting the superior, who has the right to propose a specific priest after the superior has heard the community.

§2. It is for the chaplain to celebrate or direct liturgical functions; nevertheless, he is not permitted to involve himself in the internal governance of the institute.

Can. 568 As far as possible, chaplains are to be appointed for those who are not able to avail themselves of the ordinary care of pastors because of the condition of their lives, such as migrants, exiles, refugees, nomads, sailors.

Can. 569 Military chaplains are governed by special laws.

Can. 570 If a non-parochial church is connected to the seat of a community or group, the chaplain is to be the rector of that church, unless the care of the community or of the church requires otherwise.

Can. 571 In the exercise of his pastoral function, a chaplain is to preserve a fitting relationship with the pastor.

Can. 572 In what pertains to the removal of a chaplain, the prescript of ⇒ can. 563 is to be observed.

SECTION I: INSTITUTES OF CONSECRATED LIFE

TITLE I: NORMS COMMON TO ALL INSTITUTES OF CONSECRATED LIFE (Cann. 573 - 606)

Can. 573 §1. The life consecrated through the profession of the evangelical counsels is a stable form of living by which the faithful, following Christ more closely under the action of the Holy Spirit, are totally dedicated to God who is loved most of all, so that, having been dedicated by a new and special title to His honor, to the building up of the Church, and to the salvation of the world, they strive for the perfection of charity in the service of the kingdom of God and, having been made an outstanding sign in the Church, foretell the heavenly glory.

§2. The Christian faithful freely assume this form of living in institutes of consecrated life canonically erected by competent authority of the Church. Through vows or other sacred bonds according to the proper laws of the institutes, they profess the evangelical counsels of chastity, poverty, and obedience and, through the charity to which the counsels lead, are joined in a special way to the Church and its mystery.

Can. 574 §1. The state of those who profess the evangelical counsels in institutes of this type belongs to the life and holiness of the Church and

must be fostered and promoted by all in the Church.

§2. Certain Christian faithful are specially called by God to this state so that they possess a special gift in the life of the Church and contribute to its salvific mission, according to the purpose and spirit of the institute.

Can. 575 The evangelical counsels, based on the teaching and examples of Christ the Teacher, are a divine gift which the Church has received from the Lord and preserves always through His grace.

Can. 576 It is for the competent authority of the Church to interpret the evangelical counsels, to direct their practice by laws, and by canonical approbation to establish the stable forms of living deriving from them, and also, for its part, to take care that the institutes grow and flourish according to the spirit of the founders and sound traditions.

Can. 577 In the Church there are a great many institutes of consecrated life which have different gifts according to the grace which has been given them: they more closely follow Christ who prays, or announces the kingdom of God, or does good to people, or lives with people in the world, yet who always does the will of the Father.

Can. 578 All must observe faithfully the mind and designs of the founders regarding the nature, purpose, spirit, and character of an institute, which have been sanctioned by competent ecclesiastical authority, and its sound traditions, all of which constitute the patrimony of the same institute.

Can. 579 Diocesan bishops, each in his own territory, can erect institutes of consecrated life by formal decree, provided that the Apostolic See has been consulted.

Can. 580 The aggregation of one institute of consecrated life to another is reserved to the competent authority of the aggregating institute; the canonical autonomy of the aggregated institute is always to be preserved.

Can. 581 To divide an institute into parts, by whatever name they are called, to erect new parts, to join those erected, or to redefine their boundaries

belongs to the competent authority of the institute, according to the norm of the constitutions.

Can. 582 Mergers and unions of institutes of consecrated life are reserved to the Apostolic See only; confederations and federations are also reserved to it.

Can. 583 Changes in institutes of consecrated life affecting those things which had been approved by the Apostolic See cannot be made without its permission.

Can. 584 The suppression of an institute pertains only to the Apostolic See; a decision regarding the temporal goods of the institute is also reserved to the Apostolic See.

Can. 585 It belongs to the competent authority of an institute to suppress its parts.

Can. 586 §1. A just autonomy of life, especially of governance, is acknowledged for individual institutes, by which they possess their own discipline in the Church and are able to preserve their own patrimony intact, as mentioned in ⇒ can. 578.

§2. It is for local ordinaries to preserve and safeguard this autonomy.

Can. 587 §1. To protect more faithfully the proper vocation and identity of each institute, the fundamental code or constitutions of every institute must contain, besides those things which are to be observed as stated in ⇒ can. 578, fundamental norms regarding governance of the institute, the discipline of members, incorporation and formation of members, and the proper object of the sacred bonds.

§2. A code of this type is approved by competent authority of the Church and can be changed only with its consent.

§3. In this code spiritual and juridic elements are to be joined together suitably; nevertheless, norms are not to be multiplied without necessity.

§4. Other norms established by competent authority of an institute are to be collected suitably in other codes and, moreover, can be reviewed appropriately and adapted according to the needs of places and times.

Can. 588 §1. By its very nature, the state of consecrated life is neither clerical nor lay.

§2. That institute is called clerical which, by reason of the purpose or design intended by the founder or by virtue of legitimate tradition, is under the direction of clerics, assumes the exercise of sacred orders, and is recognized as such by the authority of the Church.

§3. That institute is called lay which, recognized as such by the authority of the Church, has by virtue of its nature, character, and purpose a proper function defined by the founder or by legitimate tradition, which does not include the exercise of sacred orders.

Can. 589 An institute of consecrated life is said to be of pontifical right if the Apostolic See has erected it or approved it through a formal decree. It is said to be of diocesan right, however, if it has been erected by a diocesan bishop but has not obtained a decree of approval from the Apostolic See.

Can. 590 §1. Inasmuch as institutes of consecrated life are dedicated in a special way to the service of God and of the whole Church, they are subject to the supreme authority of the Church in a special way.

§2. Individual members are also bound to obey the Supreme Pontiff as their highest superior by reason of the sacred bond of obedience.

Can. 591 In order to provide better for the good of institutes and the needs of the apostolate, the Supreme Pontiff, by reason of his primacy in the universal Church and with a view to common advantage, can exempt institutes of consecrated life from the governance of local ordinaries and subject them to himself alone or to another ecclesiastical authority.

Can. 592 §1. In order better to foster the communion of institutes with the Apostolic See, each supreme moderator is to send a brief report of the state

and life of the institute to the Apostolic See, in a manner and at a time established by the latter.

§2. The moderators of every institute are to promote knowledge of documents of the Holy See which regard the members entrusted to them and are to take care about their observance.

Can. 593 Without prejudice to the prescript of ⇒ can. 586, institutes of pontifical right are immediately and exclusively subject to the power of the Apostolic See in regards to internal governance and discipline.

Can. 594 Without prejudice to ⇒ can. 586, an institute of diocesan right remains under the special care of the diocesan bishop.

Can. 595 §1. It is for the bishop of the principal seat to approve the constitutions and confirm changes legitimately introduced into them, without prejudice to those things which the Apostolic See has taken in hand, and also to treat affairs of greater importance affecting the whole institute which exceed the power of internal authority, after he has consulted the other diocesan bishops, however, if the institute has spread to several dioceses.

§2. A diocesan bishop can grant dispensations from the constitutions in particular cases.

Can. 596 §1. Superiors and chapters of institutes possess that power over members which is defined in universal law and the constitutions.

§2. In clerical religious institutes of pontifical right, however, they also possess ecclesiastical power of governance for both the external and internal forum.

§3. The prescripts of cann. ⇒ 131, ⇒ 133, and ⇒ 137- 144 apply to the power mentioned in §1.

Can. 597 §1. Any Catholic endowed with a right intention who has the qualities required by universal and proper law and who is not prevented by

any impediment can be admitted into an institute of consecrated life.

§2. No one can be admitted without suitable preparation.

Can. 598 §1. Each institute, attentive to its own character and purposes, is to define in its constitutions the manner in which the evangelical counsels of chastity, poverty, and obedience must be observed for its way of living.

§2. Moreover, all members must not only observe the evangelical counsels faithfully and fully but also arrange their life according to the proper law of the institute and thereby strive for the perfection of their state.

Can. 599 The evangelical counsel of chastity assumed for the sake of the kingdom of heaven, which is a sign of the world to come and a source of more abundant fruitfulness in an undivided heart, entails the obligation of perfect continence in celibacy.

Can. 600 The evangelical counsel of poverty in imitation of Christ who, although he was rich, was made poor for us, entails, besides a life which is poor in fact and in spirit and is to be led productively in moderation and foreign to earthly riches, a dependence and limitation in the use and disposition of goods according to the norm of the proper law of each institute.

Can. 601 The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ obedient unto death, requires the submission of the will to legitimate superiors, who stand in the place of God, when they command according to the proper constitutions.

Can. 602 The life of brothers or sisters proper to each institute, by which all the members are united together as a special family in Christ, is to be defined in such a way that it becomes a mutual support for all in fulfilling the vocation of each. Moreover, by their communion as brothers or sisters rooted and founded in charity, members are to be an example of universal reconciliation in Christ.

Can. 603 §1. In addition to institutes of consecrated life, the Church recognizes the eremitic or anchoritic life by which the Christian faithful

devote their life to the praise of God and the salvation of the world through a stricter withdrawal from the world, the silence of solitude, and assiduous prayer and penance.

§2. A hermit is recognized by law as one dedicated to God in consecrated life if he or she publicly professes in the hands of the diocesan bishop the three evangelical counsels, confirmed by vow or other sacred bond, and observes a proper program of living under his direction.

Can. 604 §1. Similar to these forms of consecrated life is the order of virgins who, expressing the holy resolution of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically betrothed to Christ, the Son of God, and are dedicated to the service of the Church.

§2. In order to observe their own resolution more faithfully and to perform by mutual assistance service to the Church in harmony with their proper state, virgins can be associated together.

Can. 605 The approval of new forms of consecrated life is reserved only to the Apostolic See. Diocesan bishops, however, are to strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit and are to assist promoters so that these can express their proposals as well as possible and protect them by appropriate statutes; the general norms contained in this section are especially to be utilized.

Can. 606 Those things which are established for institutes of consecrated life and their members are equally valid in law for either sex, unless it is otherwise evident from the context of the wording or the nature of the matter.

TITLE II. RELIGIOUS INSTITUTES (Cann. 607 - 709)

Can. 607 §1. As a consecration of the whole person, religious life manifests in the Church a wonderful marriage brought about by God, a sign of the future age. Thus the religious brings to perfection a total self-giving as a sacrifice offered to God, through which his or her whole existence becomes a continuous worship of God in charity.

§2. A religious institute is a society in which members, according to proper law, pronounce public vows, either perpetual or temporary which are to be renewed, however, when the period of time has elapsed, and lead a life of brothers or sisters in common.

§3. The public witness to be rendered by religious to Christ and the Church entails a separation from the world proper to the character and purpose of each institute

CHAPTER I. RELIGIOUS HOUSES AND THEIR ERECTION AND SUPPRESSION

Can. 608 A religious community must live in a legitimately established house under the authority of a superior designated according to the norm of law. Each house is to have at least an oratory in which the Eucharist is to be celebrated and reserved so that it is truly the center of the community.

Can. 609 §1. Houses of a religious institute are erected by the authority competent according to the constitutions, with the previous written consent of the diocesan bishop.

§2. In addition, the permission of the Apostolic See is required to erect a monastery of nuns.

Can. 610 §1. The erection of houses takes place with consideration for their advantage to the Church and the institute and with suitable safeguards for those things which are required to carry out properly the religious life of the members according to the proper purposes and spirit of the institute.

§2. No house is to be erected unless it can be judged prudently that the needs of the members will be provided for suitably.

Can. 611 The consent of the diocesan bishop to erect a religious house of any institute entails the right:

1/ to lead a life according to the character and proper purposes of the institute;

2/ to exercise the works proper to the institute according to the norm of law and without prejudice to the conditions attached to the consent;

3/ for clerical institutes to have a church, without prejudice to the prescript of ⇒ can. 1215, §3 and to perform sacred ministries, after the requirements of the law have been observed.

Can. 612 For a religious house to be converted to apostolic works different from those for which it was established, the consent of the diocesan bishop is required, but not if it concerns a change which refers only to internal governance and discipline, without prejudice to the laws of the foundation.

Can. 613 §1. A religious house of canons regular or of monks under the governance and care of its own moderator is autonomous unless the constitutions state otherwise.

§2. The moderator of an autonomous house is a major superior by law.

Can. 614 Monasteries of nuns associated to an institute of men maintain their own way of life and governance according to the constitutions. Mutual rights and obligations are to be defined in such a way that spiritual good can come from the association.

Can. 615 An autonomous monastery which does not have another major superior besides its own moderator and is not associated to another institute of religious in such a way that the superior of the latter possesses true power over such a monastery as determined by the constitutions is entrusted to the special vigilance of the diocesan bishop according to the norm of law.

Can. 616 §1. The supreme moderator can suppress a legitimately erected religious house according to the norm of the constitutions, after the diocesan bishop has been consulted. The proper law of the institute is to make provision for the goods of the suppressed house, without prejudice to the intentions of the founders or donors or to legitimately acquired rights.

§2. The suppression of the only house of an institute belongs to the Holy See, to which the decision regarding the goods in that case is also reserved.

§3. To suppress the autonomous house mentioned in ⇒ can. 613 belongs to the general chapter, unless the constitutions state otherwise.

§4. To suppress an autonomous monastery of nuns belongs to the Apostolic See, with due regard to the prescripts of the constitutions concerning its goods.

CHAPTER II. THE GOVERNANCE OF INSTITUTES

Art. 1. SUPERIORS AND COUNCILS

Can. 617 Superiors are to fulfill their function and exercise their power according to the norm of universal and proper law.

Can. 618 Superiors are to exercise their power, received from God through the ministry of the Church, in a spirit of service. Therefore, docile to the will of God in fulfilling their function, they are to govern their subjects as sons or daughters of God and, promoting the voluntary obedience of their subjects with reverence for the human person, they are to listen to them willingly and foster their common endeavor for the good of the institute and the Church, but without prejudice to the authority of superiors to decide and prescribe what must be done.

Can. 619 Superiors are to devote themselves diligently to their office and together with the members entrusted to them are to strive to build a community of brothers or sisters in Christ, in which God is sought and loved before all things. Therefore, they are to nourish the members regularly with the food of the word of God and are to draw them to the celebration of the sacred liturgy. They are to be an example to them in cultivating virtues and in the observance of the laws and traditions of their own institute; they are to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart, and to be patient toward all.

Can. 620 Those who govern an entire institute, a province of an institute or part equivalent to a province, or an autonomous house, as well as their vicars, are major superiors. Comparable to these are an abbot primate and a superior of a monastic congregation, who nonetheless do not have all the power which universal law grants to major superiors.

Can. 621 A grouping of several houses which constitutes an immediate part of the same institute under the same superior and has been canonically erected by legitimate authority is called a province.

Can. 622 The supreme moderator holds power over all the provinces, houses, and members of an institute; this power is to be exercised according to proper law. Other superiors possess power within the limits of their function.

Can. 623 In order for members to be appointed or elected validly to the function of superior, a suitable time is required after perpetual or definitive profession, to be determined by proper law, or if it concerns major superiors, by the constitutions.

Can. 624 §1. Superiors are to be constituted for a certain and appropriate period of time according to the nature and need of the institute, unless the constitutions determine otherwise for the supreme moderator and for superiors of an autonomous house.

§2. Proper law is to provide suitable norms so that superiors, constituted for a definite time, do not remain too long in offices of governance without interruption.

§3. Nevertheless, they can be removed from office during their function or be transferred to another for reasons established in proper law.

Can. 625 §1. The supreme moderator of an institute is to be designated by canonical election according to the norm of the constitutions.

§2. The bishop of the principal seat presides at the elections of a superior of the autonomous monastery mentioned in ⇒ can. 615 and of the supreme moderator of an institute of diocesan right.

§3. Other superiors are to be constituted according to the norm of the constitutions, but in such a way that, if they are elected, they need the confirmation of a competent major superior; if they are appointed by a superior, however, a suitable consultation is to precede.

Can. 626 Superiors in the conferral of offices and members in elections are to observe the norms of universal and proper law, are to abstain from any abuse or partiality, and are to appoint or elect those whom they know in the Lord to be truly worthy and suitable, having nothing before their eyes but God and the good of the institute. Moreover, in elections they are to avoid any procurement of votes, either directly or indirectly, whether for themselves or for others.

Can. 627 §1. According to the norm of the constitutions, superiors are to have their own council, whose assistance they must use in carrying out their function.

§2. In addition to the cases prescribed in universal law, proper law is to determine the cases which require consent or counsel to act validly; such consent or counsel must be obtained according to the norm of ⇒ can. 127.

Can. 628 §1. The superiors whom the proper law of the institute designates for this function are to visit the houses and members entrusted to them at stated times according to the norms of this same proper law.

§2. It is the right and duty of a diocesan bishop to visit even with respect to religious discipline:

1/ the autonomous monasteries mentioned in ⇒ can. 615;

2/ individual houses of an institute of diocesan right located in his own territory.

§3. Members are to act with trust toward a visitator, to whose legitimate questioning they are bound to respond according to the truth in charity. Moreover, it is not permitted for anyone in any way to divert members from this obligation or otherwise to impede the scope of the visitation.

Can. 629 Superiors are to reside in their respective houses, and are not to absent themselves from their house except according to the norm of proper law.

Can. 630 §1. Superiors are to recognize the due freedom of their members regarding the sacrament of penance and direction of conscience, without prejudice, however, to the discipline of the institute.

§2. According to the norm of proper law, superiors are to be concerned that suitable confessors are available to the members, to whom the members can confess frequently.

§3. In monasteries of nuns, in houses of formation, and in more numerous lay communities, there are to be ordinary confessors approved by the local ordinary after consultation with the community; nevertheless, there is no obligation to approach them.

§4. Superiors are not to hear the confessions of subjects unless the members request it on their own initiative.

§5. Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to them.

Art. 2. CHAPTERS

Can. 631 §1. The general chapter, which holds supreme authority in the institute according to the norm of the constitutions, is to be composed in such a way that, representing the entire institute, it becomes a true sign of its unity in charity. It is for the general chapter principally: to protect the patrimony of the institute mentioned in ⇒ can. 578, promote suitable renewal according to that patrimony, elect the supreme moderator, treat affairs of greater importance, and issue norms which all are bound to obey.

§2. The constitutions are to define the composition and extent of the power of a chapter; proper law is to determine further the order to be observed in the celebration of the chapter, especially in what pertains to elections and the manner of handling affairs.

§3. According to the norms determined in proper law, not only provinces and local communities, but also any member can freely send wishes and suggestions to a general chapter.

Can. 632 Proper law is to determine accurately what is to pertain to other chapters of the institute and to other similar assemblies, namely, what pertains to their nature, authority, composition, way of proceeding and time of celebration.

Can. 633 §1. Organs of participation or consultation are to fulfill faithfully the function entrusted to them according to the norm of universal and proper law and to express in their own way the concern and participation of all the members for the good of the entire institute or community.

§2. In establishing and using these means of participation and consultation, wise discretion is to be observed and their procedures are to conform to the character and purpose of the institute.

Art. 3. TEMPORAL GOODS AND THEIR ADMINISTRATION

Can. 634 §1. As juridic persons by the law itself, institutes, provinces, and houses are capable of acquiring, possessing, administering, and alienating temporal goods unless this capacity is excluded or restricted in the constitutions.

§2. Nevertheless, they are to avoid any appearance of excess, immoderate wealth, and accumulation of goods.

Can. 635 §1. Since the temporal goods of religious institutes are ecclesiastical, they are governed by the prescripts of Book V, The Temporal Goods of the Church, unless other provision is expressly made.

§2. Nevertheless, each institute is to establish suitable norms concerning the use and administration of goods, by which the poverty proper to it is to be fostered, protected, and expressed.

Can. 636 §1. In each institute and likewise in each province which is governed by a major superior, there is to be a Finance officer, distinct from

the major superior and constituted according to the norm of proper law, who is to manage the administration of goods under the direction of the respective superior. Insofar as possible, a Finance officer distinct from the local superior is to be designated even in local communities.

§2. At the time and in the manner established by proper law, Finance officers and other administrators are to render an account of their administration to the competent authority.

Can. 637 The autonomous monasteries mentioned in ⇒ can. 615 must render an account of their administration to the local ordinary once a year. Moreover, the local ordinary has the right to be informed about the Financial reports of a religious house of diocesan right.

Can. 638 §1. Within the scope of universal law, it belongs to proper law to determine acts which exceed the limit and manner of ordinary administration and to establish what is necessary to place an act of extraordinary administration validly.

§2. In addition to superiors, the officials who are designated for this in proper law also validly incur expenses and perform juridic acts of ordinary administration within the limits of their function.

§3. For the validity of alienation and of any other affair in which the patrimonial condition of a juridic person can worsen, the written permission of the competent superior with the consent of the council is required.

Nevertheless, if it concerns an affair which exceeds the amount defined by the Holy See for each region, or things given to the Church by vow, or things precious for artistic or historical reasons, the permission of the Holy See itself is also required.

§4. For the autonomous monasteries mentioned in ⇒ can. 615 and for institutes of diocesan right, it is also necessary to have the written consent of the local ordinary.

Can. 639 §1. If a juridic person has contracted debts and obligations even with the permission of the superiors, it is bound to answer for them.

§2. If a member has entered into a contract concerning his or her own goods with the permission of the superior, the member must answer for it, but if the business of the institute was conducted by mandate of the superior, the institute must answer.

§3. If a religious has entered into a contract without any permission of superiors, he or she must answer, but not the juridic person.

§4. It is a fixed rule, however, that an action can always be brought against one who has profited from the contract entered into.

§5. Religious superiors are to take care that they do not permit debts to be contracted unless it is certain that the interest on the debt can be paid off from ordinary income and that the capital sum can be paid off through legitimate amortization within a period that is not too long.

Can. 640 Taking into account local conditions, institutes are to strive to give, as it were, a collective witness of charity and poverty and are to contribute according to their ability something from their own goods to provide for the needs of the Church and the support of the poor.

CHAPTER III. THE ADMISSION OF CANDIDATES AND THE FORMATION OF MEMBERS

Art. 1. ADMISSION TO THE NOVITIATE

Can. 641 The right to admit candidates to the novitiate belongs to major superiors according to the norm of proper law.

Can. 642 With vigilant care, superiors are only to admit those who, besides the required age, have the health, suitable character, and sufficient qualities of maturity to embrace the proper life of the institute. This health, character, and maturity are to be verified even by using experts, if necessary, without prejudice to the prescript of ⇒ can. 220.

Can. 643 §1. The following are admitted to the novitiate invalidly:

1/ one who has not yet completed seventeen years of age;

2/ a spouse, while the marriage continues to exist;

3/ one who is currently bound by a sacred bond to some institute of consecrated life or is incorporated in some society of apostolic life, without prejudice to the prescript of ⇒ can. 684;

4/ one who enters the institute induced by force, grave fear, or malice, or the one whom a superior, induced in the same way, has received;

5/ one who has concealed his or her incorporation in some institute of consecrated life or in some society of apostolic life.

§2. Proper law can establish other impediments even for validity of admission or can attach conditions.

Can. 644 Superiors are not to admit to the novitiate secular clerics without consulting their proper ordinary nor those who, burdened by debts, cannot repay them.

Can. 645 §1. Before candidates are admitted to the novitiate, they must show proof of baptism, confirmation, and free status.

§2. If it concerns the admission of clerics or those who had been admitted in another institute of consecrated life, in a society of apostolic life, or in a seminary, there is additionally required the testimony of, respectively, the local ordinary, the major superior of the institute or society, or the rector of the seminary.

§3. Proper law can require other proof about the requisite suitability of candidates and freedom from impediments.

§4. Superiors can also seek other information, even under secrecy, if it seems necessary to them.

Art. 2. THE NOVITIATE AND FORMATION OF NOVICES

Can. 646 The novitiate, through which life in an institute is begun, is arranged so that the novices better understand their divine vocation, and

indeed one which is proper to the institute, experience the manner of living of the institute, and form their mind and heart in its spirit, and so that their intention and suitability are tested.

Can. 647 §1. The erection, transfer, and suppression of a novitiate house are to be done through written decree of the supreme moderator of the institute with the consent of the council.

§2. To be valid, a novitiate must be made in a house properly designated for this purpose. In particular cases and as an exception, by grant of the supreme moderator with the consent of the council, a candidate can make the novitiate in another house of the institute under the direction of some approved religious who acts in the place of the director of novices.

§3. A major superior can permit a group of novices to reside for a certain period of time in another house of the institute designated by the superior.

Can. 648 §1. To be valid, a novitiate must include twelve months spent in the community itself of the novitiate, without prejudice to the prescript of ⇒ can. 647, §3.

§2. To complete the formation of novices, in addition to the period mentioned in §1, the constitutions can establish one or more periods of apostolic exercises to be spent outside the community of the novitiate.

§3. The novitiate is not to last longer than two years.

Can. 649 §1. Without prejudice to the prescripts of ⇒ can. 647, §3 and ⇒ can. 648, §2, an absence from the novitiate house which lasts more than three months, either continuous or interrupted, renders the novitiate invalid. An absence which lasts more than fifteen days must be made up.

§2. With the permission of the competent major superior, first profession can be anticipated, but not by more than fifteen days.

Can. 650 §1. The scope of the novitiate demands that novices be formed under the guidance of a director according to the program of formation defined in proper law.

§2. Governance of the novices is reserved to one director under the authority of the major superiors.

Can. 651 §1. The director of novices is to be a member of the institute who has professed perpetual vows and has been legitimately designated.

§2. If necessary, the director can be given assistants who are subject to the director in regard to the supervision of the novices and the program of formation.

§3. Members who are carefully prepared and who, not impeded by other duties, can carry out this function fruitfully and in a stable manner are to be placed in charge of the formation of novices.

Can. 652 §1. It is for the director and assistants to discern and test the vocation of the novices and to form them gradually to lead correctly the life of perfection proper to the institute.

§2. Novices are to be led to cultivate human and Christian virtues; through prayer and self-denial they are to be introduced to a fuller way of perfection; they are to be taught to contemplate the mystery of salvation and to read and meditate on the sacred scriptures; they are to be prepared to cultivate the worship of God in the sacred liturgy; they are to learn a manner of leading a life consecrated to God and humanity in Christ through the evangelical counsels; they are to be instructed regarding the character and spirit, the purpose and discipline, the history and life of the institute; and they are to be imbued with love for the Church and its sacred pastors.

§3. Conscious of their own responsibility, the novices are to collaborate actively with their director in such a way that they faithfully respond to the grace of a divine vocation.

§4. Members of the institute are to take care that they cooperate for their part in the work of formation of the novices through example of life and prayer.

§5. The time of the novitiate mentioned in ⇒ can. 648, §1 is to be devoted solely to the task of formation and consequently novices are not to be

occupied with studies and functions which do not directly serve this formation.

Can. 653 §1. A novice can freely leave an institute; moreover, the competent authority of the institute can dismiss a novice.

§2. At the end of the novitiate, if judged suitable, a novice is to be admitted to temporary profession; otherwise the novice is to be dismissed. If there is doubt about the suitability of a novice, the major superior can extend the time of probation according to the norm of proper law, but not beyond six months.

Art. 3. RELIGIOUS PROFESSION

Can. 654 By religious profession, members assume the observance of the three evangelical counsels by public vow, are consecrated to God through the ministry of the Church, and are incorporated into the institute with the rights and duties defined by law.

Can. 655 Temporary profession is to be made for a period defined in proper law; it is not to be less than three years nor longer than six.

Can. 656 For the validity of temporary profession it is required that:

1/ the person who is to make it has completed at least eighteen years of age;

2/ the novitiate has been validly completed;

3/ admission has been given freely by the competent superior with the vote of the council according to the norm of law;

4/ the profession is expressed and made without force, grave fear, or malice;

5/ the profession is received by a legitimate superior personally or through another.

Can. 657 §1. When the period for which profession was made has elapsed, a religious who freely petitions and is judged suitable is to be admitted to

renewal of profession or to perpetual profession; otherwise, the religious is to depart.

§2. If it seems opportune, however, the competent superior can extend the period of temporary profession according to proper law, but in such a way that the total period in which the member is bound by temporary vows does not exceed nine years.

§3. Perpetual profession can be anticipated for a just cause, but not by more than three months.

Can. 658 In addition to the conditions mentioned in ⇒ can. 656, nn. 3, 4, and 5 and others imposed by proper law, the following are required for the validity of perpetual profession:

1/ the completion of at least twenty-one years of age;

2/ previous temporary profession of at least three years, without prejudice to the prescript of ⇒ can. 657, §3.

Art. 4. THE FORMATION OF RELIGIOUS

Can. 659 §1. In individual institutes the formation of all the members is to be continued after first profession so that they lead the proper life of the institute more fully and carry out its mission more suitably.

§2. Therefore, proper law must define the program of this formation and its duration, attentive to the needs of the Church and the conditions of people and times, insofar as the purpose and character of the institute require it.

§3. Universal law and the program of studies proper to the institute govern the formation of members who are preparing to receive holy orders.

Can. 660 §1. Formation is to be systematic, adapted to the capacity of the members, spiritual and apostolic, doctrinal and at the same time practical. Suitable degrees, both ecclesiastical and civil, are also to be obtained when appropriate.

§2. During the time of this formation, offices and tasks which may impede it are not to be entrusted to the members.

Can. 661 Through their entire life, religious are to continue diligently their spiritual, doctrinal, and practical formation. Superiors, moreover, are to provide them with the resources and time for this.

CHAPTER IV. THE OBLIGATIONS AND RIGHTS OF INSTITUTES AND THEIR MEMBERS

Can. 662 Religious are to have as the supreme rule of life the following of Christ proposed in the gospel and expressed in the constitutions of their own institute.

Can. 663 §1. The first and foremost duty of all religious is to be the contemplation of divine things and assiduous union with God in prayer.

§2. Members are to make every effort to participate in the eucharistic sacrifice daily, to receive the most sacred Body of Christ, and to adore the Lord himself present in the sacrament.

§3. They are to devote themselves to the reading of sacred scripture and mental prayer, to celebrate worthily the liturgy of the hours according to the prescripts of proper law, without prejudice to the obligation for clerics mentioned in ⇒ can. 276, §2, n. 3, and to perform other exercises of piety.

§4. With special veneration, they are to honor the Virgin Mother of God, the example and protector of all consecrated life, also through the marian rosary.

§5. They are to observe faithfully an annual period of sacred retreat.

Can. 664 Religious are to strive after conversion of the soul toward God, to examine their conscience, even daily, and to approach the sacrament of penance frequently.

Can. 665 §1. Observing common life, religious are to live in their own religious house and are not to be absent from it except with the permission of their superior. If it concerns a lengthy absence from the house, however,

the major superior, with the consent of the council and for a just cause, can permit a member to live outside a house of the institute, but not for more than a year, except for the purpose of caring for ill health, of studies, or of exercising an apostolate in the name of the institute.

§2. A member who is absent from a religious house illegitimately with the intention of withdrawing from the power of the superiors is to be sought out solicitously by them and is to be helped to return to and persevere in his or her vocation.

Can. 666 In the use of means of social communication, necessary discretion is to be observed and those things are to be avoided which are harmful to one's vocation and dangerous to the chastity of a consecrated person.

Can. 667 §1. In all houses, cloister adapted to the character and mission of the institute is to be observed according to the determinations of proper law, with some part of a religious house always reserved to the members alone.

§2. A stricter discipline of cloister must be observed in monasteries ordered to contemplative life.

§3. Monasteries of nuns which are ordered entirely to contemplative life must observe papal cloister, that is, cloister according to the norms given by the Apostolic See. Other monasteries of nuns are to observe a cloister adapted to their proper character and defined in the constitutions.

§4. For a just cause, a diocesan bishop has the faculty of entering the cloister of monasteries of nuns which are in his diocese and, for a grave cause and with the consent of the superior, of permitting others to be admitted to the cloister and the nuns to leave it for a truly necessary period of time.

Can. 668 §1. Before first profession, members are to cede the administration of their goods to whomever they prefer and, unless the constitutions state otherwise, are to make disposition freely for their use and revenue. Moreover, at least before perpetual profession, they are to make a will which is to be valid also in civil law.

§2. To change these dispositions for a just cause and to place any act regarding temporal goods, they need the permission of the superior competent according to the norm of proper law.

§3. Whatever a religious acquires through personal effort or by reason of the institute, the religious acquires for the institute. Whatever accrues to a religious in any way by reason of pension, subsidy, or insurance is acquired for the institute unless proper law states otherwise.

§4. A person who must renounce fully his or her goods due to the nature of the institute is to make that renunciation before perpetual profession in a form valid, as far as possible, even in civil law; it is to take effect from the day of profession. A perpetually professed religious who wishes to renounce his or her goods either partially or totally according to the norm of proper law and with the permission of the supreme moderator is to do the same.

§5. A professed religious who has renounced his or her goods fully due to the nature of the institute loses the capacity of acquiring and possessing and therefore invalidly places acts contrary to the vow of poverty. Moreover, whatever accrues to the professed after renunciation belongs to the institute according to the norm of proper law.

Can. 669 §1. Religious are to wear the habit of the institute, made according to the norm of proper law, as a sign of their consecration and as a witness of poverty.

§2. Clerical religious of an institute which does not have a proper habit are to wear clerical dress according to the norm of ⇒ can. 284.

Can. 670 An institute must supply the members with all those things which are necessary to achieve the purpose of their vocation, according to the norm of the constitutions.

Can. 671 A religious is not to accept functions and offices outside the institute without the permission of a legitimate superior.

Can. 672 Religious are bound by the prescripts of cann. ⇒ 277, ⇒ 285, ⇒ 286, ⇒ 287, and ⇒ 289, and religious clerics additionally by the prescripts of ⇒ can. 279, §2; in lay institutes of pontifical right, the proper major superior can grant the permission mentioned in ⇒ can. 255, §4.

CHAPTER V. THE APOSTOLATE OF INSTITUTES

Can. 673 The apostolate of all religious consists first of all in the witness of their consecrated life, which they are bound to foster by prayer and penance.

Can. 674 Institutes which are entirely ordered to contemplation always hold a distinguished place in the mystical Body of Christ: for they offer an extraordinary sacrifice of praise to God, illumine the people of God with the richest fruits of holiness, move it by their example, and extend it with hidden apostolic fruitfulness. For this reason, members of these institutes cannot be summoned to furnish assistance in the various pastoral ministries however much the need of the active apostolate urges it.

Can. 675 §1. Apostolic action belongs to the very nature of institutes dedicated to works of the apostolate.

Accordingly, the whole life of the members is to be imbued with an apostolic spirit; indeed the whole apostolic action is to be informed by a religious spirit.

§2. Apostolic action is to proceed always from an intimate union with God and is to confirm and foster this union.

§3. Apostolic action, to be exercised in the name and by the mandate of the Church, is to be carried out in the communion of the Church.

Can. 676 Lay institutes, whether of men or of women, participate in the pastoral function of the Church through spiritual and corporal works of mercy and offer the most diverse services to people. Therefore, they are to persevere faithfully in the grace of their vocation.

Can. 677 §1. Superiors and members are to retain faithfully the mission and works proper to the institute.

Nevertheless, attentive to the necessities of times and places, they are to accommodate them prudently, even employing new and opportune means.

§2. Moreover, if they have associations of the Christian faithful joined to them, institutes are to assist them with special care so that they are imbued with the genuine spirit of their family.

Can. 678 §1. Religious are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of divine worship, and other works of the apostolate.

§2. In exercising an external apostolate, religious are also subject to their proper superiors and must remain faithful to the discipline of the institute. The bishops themselves are not to fail to urge this obligation if the case warrants it.

§3. In organizing the works of the apostolate of religious, diocesan bishops and religious superiors must proceed through mutual consultation.

Can. 679 When a most grave cause demands it, a diocesan bishop can prohibit a member of a religious institute from residing in the diocese if his or her major superior, after having been informed, has neglected to make provision; moreover, the matter is to be referred immediately to the Holy See.

Can. 680 Among the various institutes and also between them and the secular clergy, there is to be fostered an ordered cooperation and a coordination under the direction of the diocesan bishop of all the works and apostolic activities, without prejudice to the character and purpose of individual institutes and the laws of the foundation.

Can. 681 §1. Works which a diocesan bishop entrusts to religious are subject to the authority and direction of the same bishop, without prejudice

to the right of religious superiors according to the norm of ⇒ can. 678, §§2 and 3.

§2. In these cases, the diocesan bishop and the competent superior of the institute are to draw up a written agreement which, among other things, is to define expressly and accurately those things which pertain to the work to be accomplished, the members to be devoted to it, and economic matters.

Can. 682 §1. If it concerns conferring an ecclesiastical office in a diocese upon some religious, the diocesan bishop appoints the religious, with the competent superior making the presentation, or at least assenting to the appointment.

§2. A religious can be removed from the of-Fie entrusted to him or her at the discretion either of the entrusting authority after having informed the religious superior or of the superior after having informed the one entrusting; neither requires the consent of the other.

Can. 683 §1. At the time of pastoral visitation and also in the case of necessity, the diocesan bishop, either personally or through another, can visit churches and oratories which the Christian faithful habitually attend, schools, and other works of religion or charity, whether spiritual or temporal, entrusted to religious, but not schools which are open exclusively to the institute's own students.

§2. If by chance he has discovered abuses and the religious superior has been warned in vain, he himself can make provision on his own authority.

CHAPTER VI. SEPARATION OF MEMBERS FROM THE INSTITUTE

Art. 1. TRANSFER TO ANOTHER INSTITUTE

Can. 684 §1. A member in perpetual vows cannot transfer from one religious institute to another except by a grant of the supreme moderator of each institute and with the consent of their respective councils.

§2. After completing a probation which is to last at least three years, the member can be admitted to perpetual profession in the new institute. If the

member refuses to make this profession or is not admitted to make it by competent superiors, however, the member is to return to the original institute unless an indult of secularization has been obtained.

§3. For a religious to transfer from an autonomous monastery to another of the same institute or federation or confederation, the consent of the major superior of each monastery and of the chapter of the receiving monastery is required and is sufficient, without prejudice to other requirements established by proper law; a new profession is not required.

§4. Proper law is to determine the time and manner of the probation which must precede the profession of a member in the new institute.

§5. For a transfer to be made to a secular institute or a society of apostolic life or from them to a religious institute, permission of the Holy See is required, whose mandates must be observed.

Can. 685 §1. Until a person makes profession in the new institute, the rights and obligations which the member had in the former institute are suspended although the vows remain. Nevertheless, from the beginning of probation, the member is bound to the observance of the proper law of the new institute.

§2. Through profession in the new institute, the member is incorporated into it while the preceding vows, rights, and obligations cease.

Art. 2. DEPARTURE FROM AN INSTITUTE

Can. 686 §1. With the consent of the council, the supreme moderator for a grave cause can grant an indult of exclaustration to a member professed by perpetual vows, but not for more than three years, and if it concerns a cleric, with the prior consent of the ordinary of the place in which he must reside. To extend an indult or to grant it for more than three years is reserved to the Holy See, or to the diocesan bishop if it concerns institutes of diocesan right.

§2. It is only for the Apostolic See to grant an indult of exclaustration for nuns.

§3. At the petition of the supreme moderator with the consent of the council, exclaustration can be imposed by the Holy See on a member of an institute of pontifical right, or by a diocesan bishop on a member of an institute of diocesan right, for grave causes, with equity and charity observed.

Can. 687 An exclaustrated member is considered freed from the obligations which cannot be reconciled with the new condition of his or her life, yet remains dependent upon and under the care of superiors and also of the local ordinary, especially if the member is a cleric. The member can wear the habit of the institute unless the indult determines otherwise. Nevertheless, the member lacks active and passive voice.

Can. 688 §1. A person who wishes to leave an institute can depart from it when the time of profession has been completed.

§2. During the time of temporary profession, a person who asks to leave the institute for a grave cause can obtain an indult of departure from the supreme moderator with the consent of the council in an institute of pontifical right. In institutes of diocesan right and in the monasteries mentioned in ⇒ can. 615, however, the bishop of the house of assignment must confirm the indult for it to be valid.

Can. 689 §1. If there are just causes, the competent major superior, after having heard the council, can exclude a member from making a subsequent profession when the period of temporary profession has been completed.

§2. Physical or psychic illness, even contracted after profession, which in the judgment of experts renders the member mentioned in §1 unsuited to lead the life of the institute constitutes a cause for not admitting the member to renew profession or to make perpetual profession, unless the illness had been contracted through the negligence of the institute or through work performed in the institute.

§3. If, however, a religious becomes insane during the period of temporary vows, even though unable to make a new profession, the religious cannot be dismissed from the institute.

Can. 690 §1. The supreme moderator with the consent of the council can readmit without the burden of repeating the novitiate one who had legitimately left the institute after completing the novitiate or after profession. Moreover, it will be for the same moderator to determine an appropriate probation prior to temporary profession and the time of vows to precede perpetual profession, according to the norm of cann. ⇒ 655 and ⇒ 657.

§2. The superior of an autonomous monastery with the consent of the council possesses the same faculty.

Can. 691 §1. A perpetually professed religious is not to request an indult of departure from an institute except for the gravest of causes considered before the Lord. The religious is to present a petition to the supreme moderator of the institute who is to transmit it along with a personal opinion and the opinion of the council to the competent authority.

§2. In institutes of pontifical right, an indult of this type is reserved to the Apostolic See. In institutes of diocesan right, however, the bishop of the diocese in which the house of assignment is situated can also grant it.

Can. 692 Unless it has been rejected by the member in the act of notification, an indult of departure granted legitimately and made known to the member entails by the law itself dispensation from the vows and from all the obligations arising from profession.

Can. 693 If a member is a cleric, an indult is not granted before he finds a bishop who incardinates him in the diocese or at least receives him experimentally. If he is received experimentally, he is incardinated into the diocese by the law itself after five years have passed, unless the bishop has refused him.

Art. 3. DISMISSAL OF MEMBERS

Can. 694 §1. A member must be held as ipso facto dismissed from an institute who:

1/ has defected notoriously from the Catholic faith;

2/ has contracted marriage or attempted it, even only civilly.

§2. In these cases, after the proofs have been collected, the major superior with the council is to issue without any delay a declaration of fact so that the dismissal is established juridically.

Can. 695 §1. A member must be dismissed for the delicts mentioned in cann. ⇒ 1397, ⇒ 1398, and ⇒ 1395, unless in the delicts mentioned in ⇒ can. 1395, §2, the superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.

§2. In these cases, after the proofs regarding the facts and imputability have been collected, the major superior is to make known the accusation and proofs to the member to be dismissed, giving the member the opportunity for self-defense. All the acts, signed by the major superior and a notary, together with the responses of the member, put in writing and signed by that member, are to be transmitted to the supreme moderator.

Can. 696 §1. A member can also be dismissed for other causes provided that they are grave, external, imputable, and juridically proven such as: habitual neglect of the obligations of consecrated life; repeated violations of the sacred bonds; stubborn disobedience to the legitimate prescripts of superiors in a grave matter; grave scandal arising from the culpable behavior of the member; stubborn upholding or diffusion of doctrines condemned by the magisterium of the Church; public adherence to ideologies infected by materialism or atheism; the illegitimate absence mentioned in ⇒ can. 665, §2, lasting six months; other causes of similar gravity which the proper law of the institute may determine.

§2. For the dismissal of a member in temporary vows, even causes of lesser gravity established in proper law are sufficient.

Can. 697 In the cases mentioned in ⇒ can. 696, if the major superior, after having heard the council, has decided that a process of dismissal must be

begun:

1/ the major superior is to collect or complete the proofs;

2/ the major superior is to warn the member in writing or before two witnesses with an explicit threat of subsequent dismissal unless the member reforms, with the cause for dismissal clearly indicated and full opportunity for self-defense given to the member; if the warning occurs in vain, however, the superior is to proceed to another warning after an intervening space of at least fifteen days;

3/ if this warning also occurs in vain and the major superior with the council decides that incorrigibility is sufficiently evident and that the defenses of the member are insufficient, after fifteen days have elapsed from the last warning without effect, the major superior is to transmit to the supreme moderator all the acts, signed personally and by a notary, along with the signed responses of the member.

Can. 698 In all the cases mentioned in cann. ⇒ 695 and ⇒ 696, the right of the member to communicate with and to offer defenses directly to the supreme moderator always remains intact.

Can. 699 §1. The supreme moderator with the council, which must consist of at least four members for validity, is to proceed collegially to the accurate consideration of the proofs, arguments, and defenses; if it has been decided through secret ballot, the supreme moderator is to issue a decree of dismissal with the reasons in law and in fact expressed at least summarily for validity.

§2. In the autonomous monasteries mentioned in ⇒ can. 615, it belongs to the diocesan bishop, to whom the superior is to submit the acts examined by the council, to decide on dismissal.

Can. 700 A decree of dismissal does not have effect unless it has been confirmed by the Holy See, to which the decree and all the acts must be transmitted; if it concerns an institute of diocesan right, confirmation belongs to the bishop of the diocese where the house to which the religious

has been attached is situated. To be valid, however, the decree must indicate the right which the dismissed possesses to make recourse to the competent authority within ten days from receiving notification. The recourse has suspensive effect.

Can. 701 By legitimate dismissal, vows as well as the rights and obligations deriving from profession cease ipso facto.

Nevertheless, if the member is a cleric, he cannot exercise sacred orders until he finds a bishop who receives him into the diocese after an appropriate probation according to the norm of ⇒ can. 693 or at least permits him to exercise sacred orders.

Can. 702 §1. Those who depart from a religious institute legitimately or have been dismissed from it legitimately can request nothing from the institute for any work done in it.

§2. Nevertheless, the institute is to observe equity and the charity of the gospel toward a member who is separated from it.

Can. 703 In the case of grave external scandal or of most grave imminent harm to the institute, a member can be expelled immediately from a religious house by the major superior or, if there is danger in delay, by the local superior with the consent of the council. If it is necessary, the major superior is to take care to begin a process of dismissal according to the norm of law or is to refer the matter to the Apostolic See.

Can. 704 In the report referred to in ⇒ can. 592, §1, which is to be sent to the Apostolic See, mention is to be made of members who have been separated from the institute in any way.

CHAPTER VII. RELIGIOUS RAISED TO THE EPISCOPATE

Can. 705 A religious raised to the episcopate remains a member of his institute but is subject only to the Roman Pontiff by virtue of the vow of obedience and is not bound by obligations which he himself prudently judges cannot be reconciled with his condition.

Can. 706 The religious mentioned above:

1/ if he has lost the right of ownership of goods through profession, has the use, revenue, and administration of goods which accrue to him; a diocesan bishop and the others mentioned in ⇒ can. 381, §2, however, acquire property on behalf of the particular church; others, on behalf of the institute or the Holy See insofar as the institute is capable or not of possession;

2/ if he has not lost the right of ownership of goods through profession, recovers the use, revenue, and administration of the goods which he had; those things which accrue to him afterwards he fully acquires for himself;

3/ in either case, however, must dispose of goods according to the intention of the donors when they do not accrue to him personally.

Can. 707 §1. A retired religious bishop can choose a place of residence even outside the houses of his institute, unless the Apostolic See has provided otherwise.

§2. If he has served some diocese, ⇒ can. 402, §2 is to be observed with respect to his appropriate and worthy support, unless his own institute wishes to provide such support; otherwise the Apostolic See is to provide in another manner.

CHAPTER VIII. CONFERENCES OF MAJOR SUPERIORS

Can. 708 Major superiors can be associated usefully in conferences or councils so that by common efforts they work to achieve more fully the purpose of the individual institutes, always without prejudice to their autonomy, character, and proper spirit, or to transact common affairs, or to establish appropriate coordination and cooperation with the conferences of bishops and also with individual bishops.

Can. 709 Conferences of major superiors are to have their own statutes approved by the Holy See, by which alone they can be erected even as a juridic person and under whose supreme direction they remain.

TITLE III. SECULAR INSTITUTES (Cann. 710 - 730)

Can. 710 A secular institute is an institute of consecrated life in which the Christian faithful, living in the world, strive for the perfection of charity and seek to contribute to the sanctification of the world, especially from within.

Can. 711 The consecration of a member of a secular institute does not change the member's proper canonical condition among the people of God, whether lay or clerical, with due regard for the prescripts of the law which refer to institutes of consecrated life.

Can. 712 Without prejudice to the prescripts of ⇒ cann. 598-601, the constitutions are to establish the sacred bonds by which the evangelical counsels are assumed in the institute and are to define the obligations which these same bonds bring about; the proper secularity of the institute, however, is always to be preserved in its way of life.

Can. 713 §1. Members of these institutes express and exercise their own consecration in apostolic activity, and like leaven they strive to imbue all things with the spirit of the gospel for the strengthening and growth of the Body of Christ.

§2. In the world and from the world, lay members participate in the evangelizing function of the Church whether through the witness of a Christian life and of fidelity toward their own consecration, or through the assistance they offer to order temporal things according to God and to inform the world by the power of the gospel.

They also cooperate in the service of the ecclesial community according to their own secular way of life.

§3. Through the witness of consecrated life especially in the presbyterium, clerical members help their brothers by a particular apostolic charity, and by their sacred ministry among the people of God they bring about the sanctification of the world.

Can. 714 Members are to lead their lives in the ordinary conditions of the world according to the norm of the constitutions, whether alone, or in their own families, or in a group living as brothers or sisters.

Can. 715 §1. Clerical members incardinated in a diocese are subject to the diocesan bishop, without prejudice to those things which regard consecrated life in their own institute.

§2. Those who are incardinated in an institute according to the norm of ⇒ can. 266, §3, however, are subject to the bishop like religious if they are appointed to the proper works of the institute or to the governance of the institute.

Can. 716 §1. All members are to participate actively in the life of the institute according to proper law.

§2. Members of the same institute are to preserve communion among themselves, caring solicitously for a spirit of unity and a genuine relationship as brothers or sisters.

Can. 717 §1. The constitutions are to prescribe the proper manner of governance; they are to define the time during which the moderators hold their office and the manner by which they are designated.

§2. No one is to be designated as supreme moderator who is not incorporated definitively.

§3. Those who have been placed in charge of the governance of an institute are to take care that its unity of spirit is preserved and that the active participation of the members is promoted.

Can. 718 The administration of the goods of an institute, which must express and foster evangelical poverty, is governed by the norms of Book V, The Temporal Goods of the Church, and by the proper law of the institute.

Likewise, proper law is to define the obligations of the institute, especially Financial ones, towards members who carry on work for it.

Can. 719 §1. For members to respond faithfully to their vocation and for their apostolic action to proceed from their union with Christ, they are to devote themselves diligently to prayer, to give themselves in a Fitting way

to the reading of sacred scripture, to observe an annual period of spiritual retreat, and to perform other spiritual exercises according to proper law.

§2. The celebration of the Eucharist, daily if possible, is to be the source and strength of their whole consecrated life.

§3. They are to approach freely the sacrament of penance which they are to receive frequently.

§4. They are to obtain freely necessary direction of conscience and to seek counsel of this kind even from the moderators, if they wish.

Can. 720 The right of admission into the institute, either for probation or for the assumption of sacred bonds, whether temporary or perpetual or definitive, belongs to the major moderators with their council, according to the norm of the constitutions.

Can. 721 §1. A person is admitted to initial probation invalidly:

1/ who has not yet attained the age of majority;

2/ who is bound currently by a sacred bond in some institute of consecrated life or is incorporated in a society of apostolic life;

3/ a spouse, while the marriage continues to exist.

§2. The constitutions can establish other impediments to admission even for validity or can attach conditions.

§3. Moreover, to be received, the person must have the maturity necessary to lead rightly the proper life of the institute.

Can. 722 §1. Initial probation is to be ordered in a way that the candidates understand more fittingly their own divine vocation, and indeed, the one proper to the institute, and that they are trained in the spirit and way of life of the institute.

§2. Candidates are properly to be formed to lead a life according to the evangelical counsels and are to be taught to transform their whole life into

the apostolate, employing those forms of evangelization which better respond to the purpose, spirit, and character of the institute.

§3. The constitutions are to define the manner and length of this probation before first taking on sacred bonds in the institute; the length is not to be less than two years.

Can. 723 §1. When the period of initial probation has elapsed, a candidate who is judged suitable is to assume the three evangelical counsels strengthened by a sacred bond or is to depart from the institute.

§2. This first incorporation is to be temporary according to the norm of the constitutions; it is not to be less than five years.

§3. When the period of this incorporation has elapsed, the member who is judged suitable is to be admitted to perpetual incorporation or to definitive incorporation, that is, with temporary bonds that are always to be renewed.

§4. Definitive incorporation is equivalent to perpetual incorporation with regard to the specific juridic effects established in the constitutions.

Can. 724 §1. Formation after the first assumption of sacred bonds is to be continued without interruption according to the constitutions.

§2. Members are to be formed in divine and human things at the same time; moreover, moderators of the institute are to have a serious concern for the continued spiritual formation of the members.

Can. 725 An institute can associate to itself by some bond determined in the constitutions other members of the Christian faithful who are to strive for evangelical perfection according to the spirit of the institute and are to participate in its mission.

Can. 726 §1. When the period of temporary incorporation has elapsed, a member is able to leave the institute freely or the major moderator, after having heard the council, can exclude a member for a just cause from the renewal of the sacred bonds.

§2. For a grave cause, a temporarily incorporated member who freely petitions it is able to obtain an indult of departure from the supreme moderator with the consent of the council.

Can. 727 §1. After having considered the matter seriously before the Lord, a perpetually incorporated member who wishes to leave the institute is to seek an indult of departure from the Apostolic See through the supreme moderator if the institute is of pontifical right; otherwise the member may also seek it from the diocesan bishop, as it is defined in the constitutions.

§2. If it concerns a cleric incardinated in the institute, the prescript of ⇒ can. 693 is to be observed.

Can. 728 When an indult of departure has been granted legitimately, all the bonds as well as the rights and obligations deriving from incorporation cease.

Can. 729 A member is dismissed from an institute according to the norm of cann. ⇒ 694 and ⇒ 695; moreover, the constitutions are to determine other causes for dismissal provided that they are proportionately grave, external, imputable, and juridically proven, and the method of proceeding established in cann. 697-700 is to be observed. The prescript of ⇒ can. 701 applies to one dismissed.

Can. 730 In order for a member of a secular institute to transfer to another secular institute, the prescripts of cann. ⇒ 684, §§1, 2, 4, and ⇒ 685 are to be observed; moreover, for transfer to be made to a religious institute or to a society of apostolic life or from them to a secular institute, the permission of the Apostolic See is required, whose mandates must be observed.

SECTION II. SOCIETIES OF APOSTOLIC LIFE (Cann. 731 - 755)

Can. 731 §1. Societies of apostolic life resemble institutes of consecrated life; their members, without religious vows, pursue the apostolic purpose proper to the society and, leading a life in common as brothers or sisters according to their proper manner of life, strive for the perfection of charity through the observance of the constitutions.

§2. Among these are societies in which members assume the evangelical counsels by some bond defined in the constitutions.

Can. 732 Those things which are established in cann. ⇒ 578-597 and ⇒ 606 apply to societies of apostolic life, without prejudice, however, to the nature of each society; moreover, ⇒ cann. 598-602 apply to the societies mentioned in ⇒ can. 731, §2.

Can. 733 §1. The competent authority of the society erects a house and establishes a local community with the previous written consent of the diocesan bishop, who must also be consulted concerning its suppression.

§2. Consent to erect a house entails the right to have at least an oratory in which the Most Holy Eucharist is to be celebrated and reserved.

Can. 734 The constitutions determine the governance of a society, with ⇒ cann. 617-633 observed according to the nature of each society.

Can. 735 §1. The proper law of each society determines the admission, probation, incorporation, and formation of members.

§2. In what pertains to admission into a society, the conditions established in ⇒ cann. 642- 645 are to be observed.

§3. Proper law must determine the manner of probation and formation, especially doctrinal, spiritual, and apostolic, adapted to the purpose and character of the society, in such a way that the members, recognizing their divine vocation, are suitably prepared for the mission and life of the society.

Can. 736 §1. In clerical societies, clerics are incardinated in the society itself unless the constitutions establish otherwise.

§2. In those things which belong to the program of studies and to the reception of orders, the norms for secular clerics are to be observed, without prejudice to §1.

Can. 737 Incorporation entails on the part of the members the obligations and rights defined in the constitutions and on the part of the society concern for leading the members to the purpose of their proper vocation according to the constitutions.

Can. 738 §1. All members are subject to their proper moderators according to the norm of the constitutions in those matters which regard the internal life and discipline of the society.

§2. They are also subject to the diocesan bishop in those matters which regard public worship, the care of souls, and other works of the apostolate, with attention to ⇒ cann. 679-683.

§3. The constitutions or particular agreements define the relations of a member incardinated in a diocese with his own bishop.

Can. 739 In addition to the obligations to which members as members are subject according to the constitutions, they are bound by the common obligations of clerics unless it is otherwise evident from the nature of the thing or the context.

Can. 740 Members must live in a house or in a legitimately established community and must observe common life according to the norm of proper law, which also governs absences from the house or community.

Can. 741 §1. Societies and, unless the constitutions determine otherwise, their parts and houses are juridic persons and, as such, capable of acquiring, possessing, administering, and alienating temporal goods according to the norm of the prescripts of Book V, The Temporal Goods of the Church, of cann. ⇒ 636, ⇒ 638, and ⇒ 639, and of proper law.

§2. According to the norm of proper law, members are also capable of acquiring, possessing, administering, and disposing of temporal goods, but whatever comes to them on behalf of the society is acquired by the society.

Can. 742 The constitutions of each society govern the departure and dismissal of a member not yet definitively incorporated.

Can. 743 Without prejudice to the prescript of ⇒ can. 693, a definitively incorporated member can obtain an indult of departure from the society from the supreme moderator with the consent of the council, unless it is reserved to the Holy See according to the constitutions; with the indult, the rights and obligations deriving from incorporation cease.

Can. 744 §1. It is equally reserved to the supreme moderator with the consent of the council to grant permission for a definitively incorporated member to transfer to another society of apostolic life; the rights and obligations proper to the society are suspended in the meantime, without prejudice to the right of returning before definitive incorporation in the new society.

§2. Transfer to an institute of consecrated life or from one to a society of apostolic life requires the permission of the Holy See, whose mandates must be observed.

Can. 745 The supreme moderator with the consent of the council can grant an indult to live outside the society to a definitively incorporated member, but not for more than three years; the rights and obligations which cannot be reconciled with the new condition of the member are suspended, but the member remains under the care of the moderators. If it concerns a cleric, moreover, the consent of the ordinary of the place in which he must reside is required, under whose care and dependence he also remains.

Can. 746 For the dismissal of a definitively incorporated member, ⇒ cann. 694-704 are to be observed with appropriate adaptations.

BOOK III. THE TEACHING FUNCTION OF THE CHURCH LIBER III. DE ECCLESIAE MUNERE DOCENDI

Can. 747 §1. The Church, to which Christ the Lord has entrusted the deposit of faith so that with the assistance of the Holy Spirit it might protect the revealed truth reverently, examine it more closely, and proclaim and expound it faithfully, has the duty and innate right, independent of any human power whatsoever, to preach the gospel to all peoples, also using the means of social communication proper to it.

§2. It belongs to the Church always and everywhere to announce moral principles, even about the social order, and to render judgment concerning any human affairs insofar as the fundamental rights of the human person or the salvation of souls requires it.

Can. 748 §1. All persons are bound to seek the truth in those things which regard God and his Church and by virtue of divine law are bound by the obligation and possess the right of embracing and observing the truth which they have come to know.

§2. No one is ever permitted to coerce persons to embrace the Catholic faith against their conscience.

Can. 749 §1. By virtue of his office, the Supreme Pontiff possesses infallibility in teaching when as the supreme pastor and teacher of all the Christian faithful, who strengthens his brothers and sisters in the faith, he procl aims by definitive act that a doctrine of faith or morals is to be held.

§2. The college of bishops also possesses infallibility in teaching when the bishops gathered together in an ecumenical council exercise the magisterium as teachers and judges of faith and morals who declare for the universal Church that a doctrine of faith or morals is to be held definitively; or when dispersed throughout the world but preserving the bond of communion among themselves and with the successor of Peter and teaching authentically together with the Roman Pontiff matters of faith or morals, they agree that a particular proposition is to be held definitively.

§3. No doctrine is understood as defined infallibly unless this is manifestly evident.

Can. 750 §1. A person must believe with divine and Catholic faith all those things contained in the word of God, written or handed on, that is, in the one deposit of faith entrusted to the Church, and at the same time proposed as divinely revealed either by the solemn magisterium of the Church or by its ordinary and universal magisterium which is manifested by the common adherence of the Christian faithful under the leadership of the sacred magisterium; therefore all are bound to avoid any doctrines whatsoever contrary to them.

§2. Each and every thing which is proposed definitively by the magisterium of the Church concerning the doctrine of faith and morals, that is, each and every thing which is required to safeguard reverently and to expound faithfully the same deposit of faith, is also to be firm-ly embraced and retained; therefore, one who rejects those propositions which are to be held definitively is opposed to the doctrine of the Catholic Church.

Can. 751 Heresy is the obstinate denial or obstinate doubt after the reception of baptism of some truth which is to be believed by divine and Catholic faith; apostasy is the total repudiation of the Christian faith; schism is the refusal of submission to the Supreme Pontiff or of communion with the members of the Church subject to him.

Can. 752 Although not an assent of faith, a religious submission of the intellect and will must be given to a doctrine which the Supreme Pontiff or the college of bishops declares concerning faith or morals when they exercise the authentic magisterium, even if they do not intend to proclaim it by definitive act; therefore, the Christian faithful are to take care to avoid those things which do not agree with it.

Can. 753 Although the bishops who are in communion with the head and members of the college, whether individually or joined together in conferences of bishops or in particular councils, do not possess infallibility in teaching, they are authentic teachers and instructors of the faith for the Christian faithful entrusted to their care; the Christian faithful are bound to

adhere with religious submission of mind to the authentic magisterium of their bishops.

Can. 754 All the Christian faithful are obliged to observe the constitutions and decrees which the legitimate authority of the Church issues in order to propose doctrine and to proscribe erroneous opinions, particularly those which the Roman Pontiff or the college of bishops puts forth.

Can. 755 §1. It is above all for the entire college of bishops and the Apostolic See to foster and direct among Catholics the ecumenical movement whose purpose is the restoration among all Christians of the unity which the Church is bound to promote by the will of Christ.

§2. It is likewise for the bishops and, according to the norm of law, the conferences of bishops to promote this same unity and to impart practical norms according to the various needs and opportunities of the circumstances; they are to be attentive to the prescripts issued by the supreme authority of the Church.

TITLE I. THE MINISTRY OF THE DIVINE WORD (Cann. 756 - 780)

Can. 756 §1. With respect to the universal Church, the function of proclaiming the gospel has been entrusted principally to the Roman Pontiff and the college of bishops.

§2. With respect to the particular church entrusted to him, an individual bishop, who is the moderator of the entire ministry of the word within it, exercises that function; sometimes several bishops fulfill this function jointly with respect to different churches at once, according to the norm of law.

Can. 757 It is proper for presbyters, who are co-workers of the bishops, to proclaim the gospel of God; this duty binds especially pastors and others to whom the care of souls is entrusted with respect to the people committed to them. It is also for deacons to serve the people of God in the ministry of the word in communion with the bishop and his presbyterium.

Can. 758 By virtue of their consecration to God, members of institutes of consecrated life give witness to the gospel in a special way and the bishop appropriately calls upon them as a help in proclaiming the gospel.

Can. 759 By virtue of baptism and confirmation, lay members of the Christian faithful are witnesses of the gospel message by word and the example of a Christian life; they can also be called upon to cooperate with the bishop and presbyters in the exercise of the ministry of the word.

Can. 760 The mystery of Christ is to be set forth completely and faithfully in the ministry of the word, which must be based upon sacred scripture, tradition, liturgy, the magisterium, and the life of the Church.

Can. 761 The various means available are to be used to proclaim Christian doctrine: first of all preaching and catechetical instruction, which always hold the principal place, but also the presentation of doctrine in schools, academies, conferences, and meetings of every type and its diVusion through public declarations in the press or in other instruments of social communication by legitimate authority on the occasion of certain events.

CHAPTER I. THE PREACHING OF THE WORD OF GOD

Can. 762 Sacred ministers, among whose principal duties is the proclamation of the gospel of God to all, are to hold the function of preaching in esteem since the people of God are first brought together by the word of the living God, which it is certainly right to require from the mouth of priests.

Can. 763 Bishops have the right to preach the word of God everywhere, including in churches and oratories of religious institutes of pontifical right, unless the local bishop has expressly forbidden it in particular cases.

Can. 764 Without prejudice to the prescript of ⇒ can. 765, presbyters and deacons possess the faculty of preaching everywhere; this faculty is to be exercised with at least the presumed consent of the rector of the church, unless the competent ordinary has restricted or taken away the faculty or particular law requires express permission.

Can. 765 Preaching to religious in their churches or oratories requires the permission of the superior competent according to the norm of the constitutions.

Can. 766 Lay persons can be permitted to preach in a church or oratory, if necessity requires it in certain circumstances or it seems advantageous in particular cases, according to the prescripts of the conference of bishops and without prejudice to ⇒ can. 767, §1.

Can. 767 §1. Among the forms of preaching, the homily, which is part of the liturgy itself and is reserved to a priest or deacon, is preeminent; in the homily the mysteries of faith and the norms of Christian life are to be explained from the sacred text during the course of the liturgical year.

§2. A homily must be given at all Masses on Sundays and holy days of obligation which are celebrated with a congregation, and it cannot be omitted except for a grave cause.

§3. It is strongly recommended that if there is a sufficient congregation, a homily is to be given even at Masses celebrated during the week, especially during the time of Advent and Lent or on the occasion of some feast day or a sorrowful event.

§4. It is for the pastor or rector of a church to take care that these prescripts are observed conscientiously.

Can. 768 §1. Those who proclaim the divine word are to propose first of all to the Christian faithful those things which one must believe and do for the glory of God and the salvation of humanity.

§2. They are also to impart to the faithful the doctrine which the magisterium of the Church sets forth concerning the dignity and freedom of the human person, the unity and stability of the family and its duties, the obligations which people have from being joined together in society, and the ordering of temporal aVairs according to the plan established by God.

Can. 769 Christian doctrine is to be set forth in a way accommodated to the condition of the listeners and in a manner adapted to the needs of the times.

Can. 770 At certain times according to the prescripts of the diocesan bishop, pastors are to arrange for those types of preaching which are called spiritual exercises and sacred missions or for other forms of preaching adapted to needs.

Can. 771 §1. Pastors of souls, especially bishops and pastors, are to be concerned that the word of God is also proclaimed to those of the faithful who because of the condition of their life do not have suYcient common and ordinary pastoral care or lack it completely.

§2. They are also to make provision that the message of the gospel reaches non-believers living in the territory since the care of souls must also extend to them no less than to the faithful.

Can. 772 §1. In the exercise of preaching, moreover, all are to observe the norms issued by the diocesan bishop.

§2. In giving a radio or television talk on Christian doctrine, the prescripts established by the conference of bishops are to be observed.

CHAPTER II. CATECHETICAL INSTRUCTION

Can. 773 It is a proper and grave duty especially of pastors of souls to take care of the catechesis of the Christian people so that the living faith of the faithful becomes manifest and active through doctrinal instruction and the experience of Christian life.

Can. 774 §1. Under the direction of legitimate ecclesiastical authority, solicitude for catechesis belongs to all members of the Church according to each one's role.

§2. Parents above others are obliged to form their children by word and example in faith and in the practice of Christian life; sponsors and those who take the place of parents are bound by an equal obligation.

Can. 775 §1. Having observed the prescripts issued by the Apostolic See, it is for the diocesan bishop to issue norms for catechetics, to make provision that suitable instruments of catechesis are available, even by preparing a

catechism if it seems opportune, and to foster and coordinate catechetical endeavors.

§2. If it seems useful, it is for the conference of bishops to take care that catechisms are issued for its territory, with the previous approval of the Apostolic See.

§3. The conference of bishops can establish a catechetical office whose primary function is to assist individual dioceses in catechetical matters.

Can. 776 By virtue of his function, a pastor is bound to take care of the catechetical formation of adults, youth, and children, to which purpose he is to use the help of the clerics attached to the parish, of members of institutes of consecrated life and of societies of apostolic life, taking into account the character of each institute, and of lay members of the Christian faithful, especially of catechists. None of these are to refuse to offer their help willingly unless they are legitimately impeded. The pastor is to promote and foster the function of parents in the family catechesis mentioned in ⇒ can. 774, §2.

Can. 777 Attentive to the norms established by the diocesan bishop, a pastor is to take care in a special way:

1/ that suitable catechesis is imparted for the celebration of the sacraments;

2/ that through catechetical instruction imparted for an appropriate period of time children are prepared properly for the first reception of the sacraments of penance and the Most Holy Eucharist and for the sacrament of confirmation;

3/ that having received first communion, these children are enriched more fully and deeply through catechetical formation;

4/ that catechetical instruction is given also to those who are physically or mentally impeded, insofar as their condition permits;

5/ that the faith of youth and adults is strengthened, enlightened, and developed through various means and endeavors.

Can. 778 Religious superiors and superiors of societies of apostolic life are to take care that catechetical instruction is imparted diligently in their churches, schools, and other works entrusted to them in any way.

Can. 779 Catechetical instruction is to be given by using all helps, teaching aids, and instruments of social communication which seem more effective so that the faithful, in a manner adapted to their character, capabilities and age, and conditions of life, are able to learn Catholic doctrine more fully and put it into practice more suitably.

Can. 780 Local ordinaries are to take care that catechists are duly prepared to fulfill their function properly, namely, that continuing formation is made available to them, that they understand the doctrine of the Church appropriately, and that they learn in theory and in practice the methods proper to the teaching disciplines.

TITLE II. THE MISSIONARY ACTION OF THE CHURCH (Cann. 781 - 792)

Can. 781 Since the whole Church is by its nature missionary and the work of evangelization must be held as a fundamental duty of the people of God, all the Christian faithful, conscious of their responsibility, are to assume their part in missionary work.

Can. 782 §1. The Roman Pontiff and the college of bishops have the supreme direction and coordination of endeavors and actions which belong to missionary work and missionary cooperation.

§2. As sponsors of the universal Church and of all the churches, individual bishops are to have special solicitude for missionary work, especially by initiating, fostering, and sustaining missionary endeavors in their own particular churches.

Can. 783 Since by virtue of their consecration members of institutes of consecrated life dedicate themselves to the service of the Church, they are obliged to engage in missionary action in a special way and in a manner proper to their institute.

Can. 784 Missionaries, that is, those whom competent ecclesiastical authority sends to carry out missionary work, can be chosen from among natives or non-natives, whether secular clerics, members of institutes of consecrated life or of societies of apostolic life, or other lay members of the Christian faithful.

Can. 785 §1. Catechists are to be used in carrying out missionary work; catechists are lay members of the Christian faithful, duly instructed and outstanding in Christian life, who devote themselves to setting forth the teaching of the gospel and to organizing liturgies and works of charity under the direction of a missionary.

§2. Catechists are to be formed in schools designated for this purpose or, where such schools are lacking, under the direction of missionaries.

Can. 786 The Church accomplishes the specifically missionary action which implants the Church among peoples or groups where it has not yet taken root especially by sending heralds of the gospel until the young churches are established fully, that is, when they are provided with the proper resources and sufficient means to be able to carry out the work of evangelization themselves.

Can. 787 §1. By the witness of their life and word, missionaries are to establish a sincere dialogue with those who do not believe in Christ so that, in a manner adapted to their own temperament and culture, avenues are opened enabling them to understand the message of the gospel.

§2. Missionaries are to take care that they teach the truths of faith to those whom they consider prepared to receive the gospel message so that they can be admitted to receive baptism when they freely request it.

Can. 788 §1. When the period of the precatechumenate has been completed, those who have made known their intention to embrace faith in Christ are to be admitted to the catechumenate in liturgical ceremonies and their names are to be inscribed in the book designated for this purpose.

§2. Through instruction and the first experience of Christian life, catechumens are to be initiated suitably into the mystery of salvation and

introduced into the life of the faith, the liturgy, the charity of the people of God, and the apostolate.

§3. It is for the conference of bishops to issue statutes which regulate the catechumenate by determining what things must be expected of the catechumens and by defining what prerogatives are to be recognized as theirs.

Can. 789 Neophytes are to be formed through suitable instruction to understand the gospel truth more deeply and to fulfill the duties assumed through baptism; they are to be imbued with a sincere love for Christ and his Church.

Can. 790 §1. It is for the diocesan bishop in the territories of a mission:

1/ to promote, direct, and coordinate endeavors and works which pertain to missionary action;

2/ to take care that appropriate agreements are entered into with moderators of institutes which dedicate themselves to missionary work and that relations with them result in the good of the mission.

§2. All missionaries, even religious and their assistants living in his jurisdiction, are subject to the prescripts issued by the diocesan bishop mentioned in §1, n. 1.

Can. 791 To foster missionary cooperation in individual dioceses:

1/ missionary vocations are to be promoted;

2/ a priest is to be designated to promote effectively endeavors for the missions, especially the Pontifical Missionary Works;

3/ an annual day for the missions is to be celebrated;

4/ a suitable offering for the missions is to be contributed each year and sent to the Holy See.

Can. 792 Conferences of bishops are to establish and promote works by which those who come to their territory from mission lands for the sake of work or study are received as brothers and sisters and assisted with adequate pastoral care.

TITLE III. CATHOLIC EDUCATION (Cann. 793 - 821)

Can. 793 §1. Parents and those who take their place are bound by the obligation and possess the right of educating their offspring. Catholic parents also have the duty and right of choosing those means and institutions through which they can provide more suitably for the Catholic education of their children, according to local circumstances.

§2. Parents also have the right to that assistance, to be furnished by civil society, which they need to secure the Catholic education of their children.

Can. 794 §1. The duty and right of educating belongs in a special way to the Church, to which has been divinely entrusted the mission of assisting persons so that they are able to reach the fullness of the Christian life.

§2. Pastors of souls have the duty of arranging everything so that all the faithful have a Catholic education.

Can. 795 Since true education must strive for complete formation of the human person that looks to his or her final end as well as to the common good of societies, children and youth are to be nurtured in such a way that they are able to develop their physical, moral, and intellectual talents harmoniously, acquire a more perfect sense of responsibility and right use of freedom, and are formed to participate actively in social life.

CHAPTER I. SCHOOLS

Can. 796 §1. Among the means to foster education, the Christian faithful are to hold schools in esteem; schools are the principal assistance to parents in fulfilling the function of education.

§2. Parents must cooperate closely with the teachers of the schools to which they entrust their children to be educated; moreover, teachers in fulfilling their duty are to collaborate very closely with parents, who are to be heard

willingly and for whom associations or meetings are to be established and highly esteemed.

Can. 797 Parents must possess a true freedom in choosing schools; therefore, the Christian faithful must be concerned that civil society recognizes this freedom for parents and even supports it with subsidies; distributive justice is to be observed.

Can. 798 Parents are to entrust their children to those schools which provide a Catholic education. If they are unable to do this, they are obliged to take care that suitable Catholic education is provided for their children outside the schools.

Can. 799 The Christian faithful are to strive so that in civil society the laws which regulate the formation of youth also provide for their religious and moral education in the schools themselves, according to the conscience of the parents.

Can. 800 §1. The Church has the right to establish and direct schools of any discipline, type, and level.

§2. The Christian faithful are to foster Catholic schools, assisting in their establishment and maintenance according to their means.

Can. 801 Religious institutes whose proper mission is education, retaining their mission faithfully, are also to strive to devote themselves to Catholic education through their schools, established with the consent of the diocesan bishop.

Can. 802 §1. If schools which offer an education imbued with a Christian spirit are not available, it is for the diocesan bishop to take care that they are established.

§2. Where it is expedient, the diocesan bishop is to make provision for the establishment of professional schools, technical schools, and other schools required by special needs.

Can. 803 §1. A Catholic school is understood as one which a competent ecclesiastical authority or a public ecclesiastical juridic person directs or which ecclesiastical authority recognizes as such through a written document.

§2. The instruction and education in a Catholic school must be grounded in the principles of Catholic doctrine; teachers are to be outstanding in correct doctrine and integrity of life.

§3. Even if it is in fact Catholic, no school is to bear the name Catholic school without the consent of competent ecclesiastical authority.

Can. 804 §1. The Catholic religious instruction and education which are imparted in any schools whatsoever or are provided through the various instruments of social communication are subject to the authority of the Church. It is for the conference of bishops to issue general norms about this field of action and for the diocesan bishop to regulate and watch over it.

§2. The local ordinary is to be concerned that those who are designated teachers of religious instruction in schools, even in non-Catholic ones, are outstanding in correct doctrine, the witness of a Christian life, and teaching skill.

Can. 805 For his own diocese, the local ordinary has the right to appoint or approve teachers of religion and even to remove them or demand that they be removed if a reason of religion or morals requires it.

Can. 806 §1. The diocesan bishop has the right to watch over and visit the Catholic schools in his territory, even those which members of religious institutes have founded or direct. He also issues prescripts which pertain to the general regulation of Catholic schools; these prescripts are valid also for schools which these religious direct, without prejudice, however, to their autonomy regarding the internal direction of their schools.

§2. Directors of Catholic schools are to take care under the watchfulness of the local ordinary that the instruction which is given in them is at least as academically distinguished as that in the other schools of the area.

CHAPTER II. CATHOLIC UNIVERSITIES AND OTHER INSTITUTES OF HIGHER STUDIES

Can. 807 The Church has the right to erect and direct universities, which contribute to a more profound human culture, the fuller development of the human person, and the fulfillment of the teaching function of the Church.

Can. 808 Even if it is in fact Catholic, no university is to bear the title or name of Catholic university without the consent of competent ecclesiastical authority.

Can. 809 If it is possible and expedient, conferences of bishops are to take care that there are universities or at least faculties suitably spread through their territory, in which the various disciplines are studied and taught, with their academic autonomy preserved and in light of Catholic doctrine.

Can. 810 §1. The authority competent according to the statutes has the duty to make provision so that teachers are appointed in Catholic universities who besides their scientific and pedagogical qualifications are outstanding in integrity of doctrine and probity of life and that they are removed from their function when they lack these requirements; the manner of proceeding defined in the statutes is to be observed.

§2. The conferences of bishops and diocesan bishops concerned have the duty and right of being watchful so that the principles of Catholic doctrine are observed faithfully in these same universities.

Can. 811 §1. The competent ecclesiastical authority is to take care that in Catholic universities a faculty or institute or at least a chair of theology is erected in which classes are also given for lay students.

§2. In individual Catholic universities, there are to be classes which especially treat those theological questions which are connected to the disciplines of their faculties.

Can. 812 Those who teach theological disciplines in any institutes of higher studies whatsoever must have a mandate from the competent ecclesiastical authority.

Can. 813 The diocesan bishop is to have earnest pastoral care for students, even by erecting a parish or at least by designating priests stably for this, and is to make provision that at universities, even non-Catholic ones, there are Catholic university centers which give assistance, especially spiritual assistance, to youth.

Can. 814 The prescripts established for universities apply equally to other institutes of higher learning.

CHAPTER III. ECCLESIASTICAL UNIVERSITIES AND FACULTIES

Can. 815 Ecclesiastical universities or faculties, which are to investigate the sacred disciplines or those connected to the sacred and to instruct students scientifically in the same disciplines, are proper to the Church by virtue of its function to announce the revealed truth.

Can. 816 §1. Ecclesiastical universities and faculties can be established only through erection by the Apostolic See or with its approval; their higher direction also pertains to it.

§2. Individual ecclesiastical universities and faculties must have their own statutes and plan of studies approved by the Apostolic See.

Can. 817 No university or faculty which has not been erected or approved by the Apostolic See is able to confer academic degrees which have canonical effects in the Church.

Can. 818 The prescripts established for Catholic universities in cann. ⇒ 810, ⇒ 812, and ⇒ 813 are also valid for ecclesiastical universities and faculties.

Can. 819 To the extent that the good of a diocese, a religious institute, or even the universal Church itself requires it, diocesan bishops or the competent superiors of the institutes must send to ecclesiastical universities or faculties youth, clerics, and members, who are outstanding in character, virtue, and talent.

Can. 820 The moderators and professors of ecclesiastical universities and faculties are to take care that the various faculties of the university oVer mutual assistance as their subject matter allows and that there is mutual cooperation between their own university or faculty and other universities and faculties, even non-ecclesiastical ones, by which they work together for the greater advance of knowledge through common eVort, meetings, coordinated scientific research, and other means.

Can. 821 The conference of bishops and the diocesan bishop are to make provision so that where possible, higher institutes of the religious sciences are established, namely, those which teach the theological disciplines and other disciplines which pertain to Christian culture.

TITLE IV. INSTRUMENTS OF SOCIAL COMMUNICATION AND BOOKS IN PARTICULAR (Cann. 822 - 832)

Can. 822 §1. The pastors of the Church, using a right proper to the Church in fulfilling their function, are to endeavor to make use of the instruments of social communication.

§2. These same pastors are to take care to teach the faithful that they are bound by the duty of cooperating so that a human and Christian spirit enlivens the use of instruments of social communication.

§3. All the Christian faithful, especially those who in any way have a role in the regulation or use of the same instruments, are to be concerned to offer assistance in pastoral action so that the Church exercises its function effectively through these instruments.

Can. 823 §1. In order to preserve the integrity of the truths of faith and morals, the pastors of the Church have the duty and right to be watchful so that no harm is done to the faith or morals of the Christian faithful through writings or the use of instruments of social communication. They also have the duty and right to demand that writings to be published by the Christian faithful which touch upon faith or morals be submitted to their judgment and have the duty and right to condemn writings which harm correct faith or good morals.

§2. Bishops, individually or gathered in particular councils or conferences of bishops, have the duty and right mentioned in §1 with regard to the Christian faithful entrusted to their care; the supreme authority of the Church, however, has this duty and right with regard to the entire people of God.

Can. 824 §1. Unless it is established otherwise, the local ordinary whose permission or approval to publish books must be sought according to the canons of this title is the proper local ordinary of the author or the ordinary of the place where the books are published.

§2. Those things established regarding books in the canons of this title must be applied to any writings whatsoever which are destined for public distribution, unless it is otherwise evident.

Can. 825 §1. Books of the sacred scriptures cannot be published unless the Apostolic See or the conference of bishops has approved them. For the publication of their translations into the vernacular, it is also required that they be approved by the same authority and provided with necessary and sufficient annotations.

§2. With the permission of the conference of bishops, Catholic members of the Christian faithful in collaboration with separated brothers and sisters can prepare and publish translations of the sacred scriptures provided with appropriate annotations.

Can. 826 §1. The prescripts of ⇒ can. 838 are to be observed concerning liturgical books.

§2. To reprint liturgical books, their translations into the vernacular, or their parts, an attestation of the ordinary of the place where they are published must establish their agreement with the approved edition.

§3. Books of prayers for the public or private use of the faithful are not to be published without the permission of the local ordinary.

Can. 827 §1. To be published, catechisms and other writings pertaining to catechetical instruction or their translations require the approval of the local ordinary, without prejudice to the prescript of ⇒ can. 775, §2.

§2. Books which regard questions pertaining to sacred scripture, theology, canon law, ecclesiastical history, and religious or moral disciplines cannot be used as texts on which instruction is based in elementary, middle, or higher schools unless they have been published with the approval of competent ecclesiastical authority or have been approved by it subsequently.

§3. It is recommended that books dealing with the matters mentioned in §2, although not used as texts in instruction, as well as writings which

especially concern religion or good morals are submitted to the judgment of the local ordinary.

§4. Books or other writings dealing with questions of religion or morals cannot be exhibited, sold, or distributed in churches or oratories unless they have been published with the permission of competent ecclesiastical authority or approved by it subsequently.

Can. 828 It is not permitted to reprint collections of decrees or acts published by some ecclesiastical authority unless the prior permission of the same authority has been obtained and the conditions prescribed by it have been observed.

Can. 829 The approval or permission to publish some work is valid for the original text but not for new editions or translations of the same.

Can. 830 §1. The conference of bishops can compile a list of censors outstanding in knowledge, correct doctrine, and prudence to be available to diocesan curias or can also establish a commission of censors which local ordinaries can consult; the right of each local ordinary to entrust judgment regarding books to persons he approves, however, remains intact.

§2. In fulfilling this office, laying aside any favoritism, the censor is to consider only the doctrine of the Church concerning faith and morals as it is proposed by the ecclesiastical magisterium.

§3. A censor must give his or her opinion in writing; if it is favorable, the ordinary, according to his own prudent judgment, is to grant permission for publication to take place, with his name and the time and place of the permission granted expressed. If he does not grant permission, the ordinary is to communicate the reasons for the denial to the author of the work.

Can. 831 §1. Except for a just and reasonable cause, the Christian faithful are not to write anything for newspapers, magazines, or periodicals which are accustomed to attack openly the Catholic religion or good morals; clerics and members of religious institutes, however, are to do so only with the permission of the local ordinary.

§2. It is for the conference of bishops to establish norms concerning the requirements for clerics and members of religious institutes to take part on radio or television in dealing with questions of Catholic doctrine or morals.

Can. 832 Members of religious institutes also need permission of their major superior according to the norm of the constitutions in order to publish writings dealing with questions of religion or morals.

TITLE V. THE PROFESSION OF FAITH (Can. 833)

Can. 833 The following are obliged personally to make a profession of faith according to the formula approved by the Apostolic See:

1/ in the presence of the president or his delegate, all those who attend with either a deliberative or consultative vote an ecumenical or particular council, a synod of bishops, and a diocesan synod; the president, however, makes it in the presence of the council or synod;

2/ those promoted to the cardinalatial dignity, according to the statutes of the sacred college;

3/ in the presence of the one delegated by the Apostolic See, all those promoted to the episcopate as well as those who are equivalent to a diocesan bishop;

4/ in the presence of the college of consultors, the diocesan administrator;

5/ in the presence of the diocesan bishop or his delegate, vicars general, episcopal vicars, and judicial vicars;

6/ in the presence of the local ordinary or his delegate and at the beginning of their function, pastors, the rector of a seminary, and teachers of theology and philosophy in seminaries; those to be promoted to the order of the diaconate;

7/ in the presence of the grand chancellor or, in his absence, in the presence of the local ordinary or their delegates, the rector of an ecclesiastical or Catholic university, when the rector's function begins; in the presence of the

rector if he is a priest or in the presence of the local ordinary or their delegates, teachers in any universities whatsoever who teach disciplines pertaining to faith or morals, when they begin their function;

8/ Superiors in clerical religious institutes and societies of apostolic life, according to the norm of the constitutions.

BOOK IV. FUNCTION OF THE CHURCH (Cann. 834 - 848)

LIBER IV. DE ECCLESIAE MUNERE SANCTIFICANDI

Can. 834 §1. The Church fulfills its sanctifying function in a particular way through the sacred liturgy, which is an exercise of the priestly function of Jesus Christ. In the sacred liturgy the sanctification of humanity is signified through sensible signs and effected in a manner proper to each sign. In the sacred liturgy, the whole public worship of God is carried out by the Head and members of the mystical Body of Jesus Christ.

§2. Such worship takes place when it is carried out in the name of the Church by persons legitimately designated and through acts approved by the authority of the Church.

Can. 835 §1. The bishops in the first place exercise the sanctifying function; they are the high priests, the principal dispensers of the mysteries of God, and the directors, promoters, and guardians of the entire liturgical life in the church entrusted to them.

§2. Presbyters also exercise this function; sharing in the priesthood of Christ and as his ministers under the authority of the bishop, they are consecrated to celebrate divine worship and to sanctify the people.

§3. Deacons have a part in the celebration of divine worship according to the norm of the prescripts of the law.

§4. The other members of the Christian faithful also have their own part in the function of sanctifying by participating actively in their own way in liturgical celebrations, especially the Eucharist. Parents share in a particular way in this function by leading a conjugal life in a Christian spirit and by seeing to the Christian education of their children.

Can. 836 Since Christian worship, in which the common priesthood of the Christian faithful is carried out, is a work which proceeds from faith and is based on it, sacred ministers are to take care to arouse and enlighten this

faith diligently, especially through the ministry of the word, which gives birth to and nourishes the faith.

Can. 837 §1. Liturgical actions are not private actions but celebrations of the Church itself which is the sacrament of unity, that is, a holy people gathered and ordered under the bishops. Liturgical actions therefore belong to the whole body of the Church and manifest and affect it; they touch its individual members in different ways, however, according to the diversity of orders, functions, and actual participation.

§2. Inasmuch as liturgical actions by their nature entail a common celebration, they are to be celebrated with the presence and active participation of the Christian faithful where possible.

Can. 838 §1. The direction of the sacred liturgy depends solely on the authority of the Church which resides in the Apostolic See and, according to the norm of law, the diocesan bishop.

§2. It is for the Apostolic See to order the sacred liturgy of the universal Church, publish liturgical books and review their translations in vernacular languages, and exercise vigilance that liturgical regulations are observed faithfully everywhere.

§3. It pertains to the conferences of bishops to prepare and publish, after the prior review of the Holy See, translations of liturgical books in vernacular languages, adapted appropriately within the limits defined in the liturgical books themselves.

§4. Within the limits of his competence, it pertains to the diocesan bishop in the Church entrusted to him to issue liturgical norms which bind everyone.

Can. 839 §1. The Church carries out the function of sanctifying also by other means, both by prayers in which it asks God to sanctify the Christian faithful in truth, and by works of penance and charity which greatly help to root and strengthen the kingdom of Christ in souls and contribute to the salvation of the world.

§2. Local ordinaries are to take care that the prayers and pious and sacred exercises of the Christian people are fully in keeping with the norms of the Church.

PART I. THE SACRAMENTS

Can. 840 The sacraments of the New Testament were instituted by Christ the Lord and entrusted to the Church.

As actions of Christ and the Church, they are signs and means which express and strengthen the faith, render worship to God, and effect the sanctification of humanity and thus contribute in the greatest way to establish, strengthen, and manifest ecclesiastical communion. Accordingly, in the celebration of the sacraments the sacred ministers and the other members of the Christian faithful must use the greatest veneration and necessary diligence.

Can. 841 Since the sacraments are the same for the whole Church and belong to the divine deposit, it is only for the supreme authority of the Church to approve or define the requirements for their validity; it is for the same or another competent authority according to the norm of ⇒ can. 838 §§3 and 4 to decide what pertains to their licit celebration, administration, and reception and to the order to be observed in their celebration.

Can. 842 §1. A person who has not received baptism cannot be admitted validly to the other sacraments.

§2. The sacraments of baptism, confirmation, and the Most Holy Eucharist are interrelated in such a way that they are required for full Christian initiation.

Can. 843 §1. Sacred ministers cannot deny the sacraments to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them.

§2. Pastors of souls and other members of the Christian faithful, according to their respective ecclesiastical function, have the duty to take care that those who seek the sacraments are prepared to receive them by proper evangelization and catechetical instruction, attentive to the norms issued by competent authority.

Can. 844 §1. Catholic ministers administer the sacraments licitly to Catholic members of the Christian faithful alone, who likewise receive them licitly from Catholic ministers alone, without prejudice to the prescripts of §§2, 3, and 4 of this canon, and ⇒ can. 861, §2.

§2. Whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided, the Christian faithful for whom it is physically or morally impossible to approach a Catholic minister are permitted to receive the sacraments of penance, Eucharist, and anointing of the sick from non-

Catholic ministers in whose Churches these sacraments are valid.

§3. Catholic ministers administer the sacraments of penance, Eucharist, and anointing of the sick licitly to members of Eastern Churches which do not have full communion with the Catholic Church if they seek such on their own accord and are properly disposed. This is also valid for members of other Churches which in the judgment of the Apostolic See are in the same condition in regard to the sacraments as these Eastern Churches.

§4. If the danger of death is present or if, in the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it, Catholic ministers administer these same sacraments licitly also to other Christians not having full communion with the Catholic Church, who cannot approach a minister of their own community and who seek such on their own accord, provided that they manifest Catholic faith in respect to these sacraments and are properly disposed.

§5. For the cases mentioned in §§2, 3, and 4, the diocesan bishop or conference of bishops is not to issue general norms except after consultation at least with the local competent authority of the interested non-Catholic Church or community.

Can. 845 §1. Since the sacraments of baptism, confirmation, and orders imprint a character, they cannot be repeated.

§2. If after completing a diligent inquiry a prudent doubt still exists whether the sacraments mentioned in §1

were actually or validly conferred, they are to be conferred conditionally.

Can. 846 §1. In celebrating the sacraments the liturgical books approved by competent authority are to be observed faithfully; accordingly, no one is to add, omit, or alter anything in them on one's own authority.

§2. The minister is to celebrate the sacraments according to the minister's own rite.

Can. 847 §1. In administering the sacraments in which holy oils must be used, the minister must use oils pressed from olives or other plants and, without prejudice to the prescript of ⇒ can. 999, n. 2, consecrated or blessed recently by a bishop; he is not to use old oils unless it is necessary.

§2. The pastor is to obtain the holy oils from his own bishop and is to preserve them diligently with proper care.

Can. 848 The minister is to seek nothing for the administration of the sacraments beyond the offerings defined by competent authority, always taking care that the needy are not deprived of the assistance of the sacraments because of poverty.

TITLE I. BAPTISM (Cann. 849 - 878)

Can. 849 Baptism, the gateway to the sacraments and necessary for salvation by actual reception or at least by desire, is validly conferred only by a washing of true water with the proper form of words. Through baptism men and women are freed from sin, are reborn as children of God, and, configured to Christ by an indelible character, are incorporated into the Church.

CHAPTER I. THE CELEBRATION OF BAPTISM

Can. 850 Baptism is administered according to the order prescribed in the approved liturgical books, except in case of urgent necessity when only those things required for the validity of the sacrament must be observed.

Can. 851 The celebration of baptism must be prepared properly; consequently:

1/ an adult who intends to receive baptism is to be admitted to the catechumenate and is to be led insofar as possible through the various stages to sacramental initiation, according to the order of initiation adapted by the conference of bishops and the special norms issued by it;

2/ the parents of an infant to be baptized and those who are to undertake the function of sponsor are to be instructed properly on the meaning of this sacrament and the obligations attached to it. The pastor personally or through others is to take care that the parents are properly instructed through both pastoral advice and common prayer, bringing several families together and, where possible, visiting them.

Can. 852 §1. The prescripts of the canons on adult baptism are to be applied to all those who, no longer infants, have attained the use of reason.

§2. A person who is not responsible for oneself (non sui compos) is also regarded as an infant with respect to baptism.

Can. 853 Apart from a case of necessity, the water to be used in conferring baptism must be blessed according to the prescripts of the liturgical books.

Can. 854 Baptism is to be conferred either by immersion or by pouring; the prescripts of the conference of bishops are to be observed.

Can. 855 Parents, sponsors, and the pastor are to take care that a name foreign to Christian sensibility is not given.

Can. 856 Although baptism can be celebrated on any day, it is nevertheless recommended that it be celebrated ordinarily on Sunday or, if possible, at the Easter Vigil.

Can. 857 §1. Apart from a case of necessity, the proper place of baptism is a church or oratory.

§2. As a rule an adult is to be baptized in his or her parish church and an infant in the parish church of the parents unless a just cause suggests otherwise.

Can. 858 §1. Every parish church is to have a baptismal font, without prejudice to the cumulative right already acquired by other churches.

§2. After having heard the local pastor, the local ordinary can permit or order for the convenience of the faithful that there also be a baptismal font in another church or oratory within the boundaries of the parish.

Can. 859 If because of distance or other circumstances the one to be baptized cannot go or be brought to the parish church or to the other church or oratory mentioned in ⇒ can. 858, §2 without grave inconvenience, baptism can and must be conferred in another nearer church or oratory, or even in another fitting place.

Can. 860 §1. Apart from a case of necessity, baptism is not to be conferred in private houses, unless the local ordinary has permitted it for a grave cause.

§2. Except in a case of necessity or for some other compelling pastoral reason, baptism is not to be celebrated in hospitals unless the diocesan bishop has established otherwise.

CHAPTER II. THE MINISTER OF BAPTISM

Can. 861 §1. The ordinary minister of baptism is a bishop, a presbyter, or a deacon, without prejudice to the prescript of ⇒ can. 530, n. 1.

§2. When an ordinary minister is absent or impeded, a catechist or another person designated for this function by the local ordinary, or in a case of necessity any person with the right intention, confers baptism licitly. Pastors of souls, especially the pastor of a parish, are to be concerned that the Christian faithful are taught the correct way to baptize.

Can. 862 Except in a case of necessity, no one is permitted to confer baptism in the territory of another without the required permission, not even upon his own subjects.

Can. 863 The baptism of adults, at least of those who have completed their fourteenth year, is to be deferred to the diocesan bishop so that he himself

administers it if he has judged it Expedient.

CHAPTER III. THOSE TO BE BAPTIZED

Can. 864 Every person not yet baptized and only such a person is capable of baptism.

Can. 865 §1. For an adult to be baptized, the person must have manifested the intention to receive baptism, have been instructed sufficiently about the truths of the faith and Christian obligations, and have been tested in the Christian life through the catechumenate. The adult is also to be urged to have sorrow for personal sins.

§2. An adult in danger of death can be baptized if, having some knowledge of the principal truths of the faith, the person has manifested in any way at all the intention to receive baptism and promises to observe the commandments of the Christian religion.

Can. 866 Unless there is a grave reason to the contrary, an adult who is baptized is to be confirmed immediately after baptism and is to participate in the eucharistic celebration also by receiving communion

Can. 867 §1. Parents are obliged to take care that infants are baptized in the first few weeks; as soon as possible after the birth or even before it, they are to go to the pastor to request the sacrament for their child and to be prepared properly for it.

§2. An infant in danger of death is to be baptized without delay.

Can. 868 §1. For an infant to be baptized licitly:

1/ the parents or at least one of them or the person who legitimately takes their place must consent;

2/ there must be a founded hope that the infant will be brought up in the Catholic religion; if such hope is altogether lacking, the baptism is to be delayed according to the prescripts of particular law after the parents have been advised about the reason.

§2. An infant of Catholic parents or even of non-Catholic parents is baptized licitly in danger of death even against the will of the parents.

Can. 869 §1. If there is a doubt whether a person has been baptized or whether baptism was conferred validly and the doubt remains after a serious investigation, baptism is to be conferred conditionally.

§2. Those baptized in a non-Catholic ecclesial community must not be baptized conditionally unless, after an examination of the matter and the form of the words used in the conferral of baptism and a consideration of the intention of the baptized adult and the minister of the baptism, a serious reason exists to doubt the validity of the baptism.

§3. If in the cases mentioned in §§1 and 2 the conferral or validity of the baptism remains doubtful, baptism is not to be conferred until after the doctrine of the sacrament of baptism is explained to the person to be baptized, if an adult, and the reasons of the doubtful validity of the baptism are explained to the person or, in the case of an infant, to the parents.

Can. 870 An abandoned infant or a foundling is to be baptized unless after diligent investigation the baptism of the infant is established.

Can. 871 If aborted fetuses are alive, they are to be baptized insofar as possible.

CHAPTER IV. SPONSORS

Can. 872 Insofar as possible, a person to be baptized is to be given a sponsor who assists an adult in Christian initiation or together with the parents presents an infant for baptism. A sponsor also helps the baptized person to lead a Christian life in keeping with baptism and to fulfill faithfully the obligations inherent in it.

Can. 873 There is to be only one male sponsor or one female sponsor or one of each.

Can. 874 §1. To be permitted to take on the function of sponsor a person must:

1/ be designated by the one to be baptized, by the parents or the person who takes their place, or in their absence by the pastor or minister and have the aptitude and intention of fulfilling this function;

2/ have completed the sixteenth year of age, unless the diocesan bishop has established another age, or the pastor or minister has granted an exception for a just cause;

3/ be a Catholic who has been confirmed and has already received the most holy sacrament of the Eucharist and who leads a life of faith in keeping with the function to be taken on;

4/ not be bound by any canonical penalty legitimately imposed or declared;

5/ not be the father or mother of the one to be baptized.

§2. A baptized person who belongs to a non-Catholic ecclesial community is not to participate except together with a Catholic sponsor and then only as a witness of the baptism. of the baptized adult and the minister of the baptism, a serious reason exists to doubt the validity of the baptism.

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4/ not be bound by any canonical penalty legitimately imposed or declared;

5/ not be the father or mother of the one to be baptized.

§2. A baptized person who belongs to a non-Catholic ecclesial community is not to participate except together with a Catholic sponsor and then only as a witness of the baptism.

CHAPTER V. THE PROOF AND REGISTRATION OF THE CONFERRAL OF BAPTISM

Can. 875 A person who administers baptism is to take care that, unless a sponsor is present, there is at least a witness who can attest to the conferral of the baptism.

Can. 876 To prove the conferral of baptism, if prejudicial to no one, the declaration of one witness beyond all exception is sufficient or the oath of the one baptized if the person received baptism as an adult.

Can. 877 §1. The pastor of the place where the baptism is celebrated must carefully and without any delay record in the baptismal register the names of the baptized, with mention made of the minister, parents, sponsors, witnesses, if any, the place and date of the conferral of the baptism, and the date and place of birth.

§2. If it concerns a child born to an unmarried mother, the name of the mother must be inserted, if her maternity is established publicly or if she seeks it willingly in writing or before two witnesses. Moreover, the name of the father must be inscribed if a public document or his own declaration before the pastor and two witnesses proves his paternity; in other cases, the name of the baptized is inscribed with no mention of the name of the father or the parents.

§3. If it concerns an adopted child, the names of those adopting are to be inscribed and, at least if it is done in the civil records of the region, also the names of the natural parents according to the norm of §§1 and 2, with due regard for the prescripts of the conference of bishops.

Can. 878 If the baptism was not administered by the pastor or in his presence, the minister of baptism, whoever it is, must inform the pastor of the parish in which it was administered of the conferral of the baptism, so that he records the baptism according to the norm of ⇒ can. 877, §1.

TITLE II. THE SACRAMENT OF CONFIRMATION (Cann. 879 - 896)

Can. 879 The sacrament of confirmation strengthens the baptized and obliges them more firmly to be witnesses of Christ by word and deed and to spread and defend the faith. It imprints a character, enriches by the gift of the Holy Spirit the baptized continuing on the path of Christian initiation, and binds them more perfectly to the Church.

CHAPTER I. THE CELEBRATION OF CONFIRMATION

Can. 880 §1. The sacrament of confirmation is conferred by the anointing of chrism on the forehead, which is done by the imposition of the hand and through the words prescribed in the approved liturgical books.

§2. The chrism to be used in the sacrament of confirmation must be consecrated by a bishop even if a presbyter administers the sacrament.

Can. 881 It is desirable to celebrate the sacrament of confirmation in a church and during Mass; for a just and reasonable cause, however, it can be celebrated outside Mass and in any worthy place.

CHAPTER II. THE MINISTER OF CONFIRMATION

Can. 882 The ordinary minister of confir-mation is a bishop; a presbyter provided with this faculty in virtue of universal law or the special grant of the competent authority also confers this sacrament validly.

Can. 883 The following possess the faculty of administering confirmation by the law itself:

1/ within the boundaries of their jurisdiction, those who are equivalent in law to a diocesan bishop;

2/ as regards the person in question, the presbyter who by virtue of office or mandate of the diocesan bishop baptizes one who is no longer an infant or admits one already baptized into the full communion of the Catholic Church;

3/ as regards those who are in danger of death, the pastor or indeed any presbyter.

Can. 884 §1. The diocesan bishop is to administer confirmation personally or is to take care that another bishop administers it. If necessity requires it, he can grant the faculty to one or more specific presbyters, who are to administer this sacrament.

§2. For a grave cause the bishop and even the presbyter endowed with the faculty of confirming in virtue of the law or the special grant of the competent authority can in single cases also associate presbyters with themselves to administer the sacrament.

Can. 885 §1. The diocesan bishop is ob-liged to take care that the sacrament of confir-mation is conferred on subjects who properly and reasonably seek

it.

§2. A presbyter who possesses this faculty must use it for the sake of those in whose favor the faculty was granted.

Can. 886 §1. A bishop in his diocese legitimately administers the sacrament of confirmation even to faithful who are not his subjects, unless their own ordinary expressly prohibits it.

§2. To administer confirmation licitly in another diocese, a bishop needs at least the reasonably presumed permission of the diocesan bishop unless it concerns his own subjects.

Can. 887 A presbyter who possesses the faculty of administering confirmation also confers this sacrament licitly on externs in the territory assigned to him unless their proper ordinary prohibits it; he cannot confer it validly on anyone in another territory, without prejudice to the prescript of ⇒ can. 883, n. 3.

Can. 888 Within the territory in which they are able to confer confirmation, ministers can administer it even in exempt places.

CHAPTER III. THOSE TO BE CONFIRMED

Can. 889 §1. Every baptized person not yet confirmed and only such a person is capable of receiving confirmation.

§2. To receive confirmation licitly outside the danger of death requires that a person who has the use of reason be suitably instructed, properly disposed, and able to renew the baptismal promises.

Can. 890 The faithful are obliged to receive this sacrament at the proper time. Parents and pastors of souls, especially pastors of parishes, are to take care that the faithful are properly instructed to receive the sacrament and come to it at the appropriate time.

Can. 891 The sacrament of confirmation is to be conferred on the faithful at about the age of discretion unless the conference of bishops has determined

another age, or there is danger of death, or in the judgment of the minister a grave cause suggests otherwise.

CHAPTER IV. SPONSORS

Can. 892 Insofar as possible, there is to be a sponsor for the person to be confirmed; the sponsor is to take care that the confirmed person behaves as a true witness of Christ and faithfully fulfills the obligations inherent in this sacrament.

Can. 893 §1. To perform the function of sponsor, a person must fulfill the conditions mentioned in ⇒ can. 874.

§2. It is desirable to choose as sponsor the one who undertook the same function in baptism.

CHAPTER V. THE PROOF AND REGISTRATION OF THE CONFERRAL OF CONFIRMATION

Can. 894 To prove the conferral of con-firmation the prescripts of ⇒ can. 876 are to be observed.

Can. 895 The names of those confirmed with mention made of the minister, the parents and sponsors, and the place and date of the conferral of confirmation are to be recorded in the confirmation register of the diocesan curia or, where the conference of bishops or the diocesan bishop has prescribed it, in a register kept in the parish archive. The pastor must inform the pastor of the place of baptism about the conferral of confirmation so that a notation is made in the baptismal register according to the norm of ⇒ can. 535, §2.

Can. 896 If the pastor of the place was not present, the minister either personally or through another is to inform him as soon as possible of the conferral of confirmation.

TITLE III. THE MOST HOLY EUCHARIST (Cann. 897 - 958)

Can. 897 The most August sacrament is the Most Holy Eucharist in which Christ the Lord himself is contained, offered, and received and by which the

Church continually lives and grows. The eucharistic sacrifice, the memorial of the death and resurrection of the Lord, in which the sacrifice of the cross is perpetuated through the ages is the summit and source of all worship and Christian life, which signifies and effects the unity of the People of God and brings about the building up of the body of Christ. Indeed, the other sacraments and all the ecclesiastical works of the apostolate are closely connected with the Most Holy Eucharist and ordered to it.

Can. 898 The Christian faithful are to hold the Most Holy Eucharist in highest honor, taking an active part in the celebration of the most august sacrifice, receiving this sacrament most devoutly and frequently, and worshiping it with the highest adoration. In explaining the doctrine about this sacrament, pastors of souls are to teach the faithful diligently about this obligation.

CHAPTER I. THE EUCHARISTIC CELEBRATION

Can. 899 §1. The eucharistic celebration is the action of Christ himself and the Church. In it, Christ the Lord, through the ministry of the priest, offers himself, substantially present under the species of bread and wine, to God the Father and gives himself as spiritual food to the faithful united with his offering.

§2. In the eucharistic gathering the people of God are called together with the bishop or, under his authority, a presbyter presiding and acting in the person of Christ. All the faithful who are present, whether clerics or laity, unite together by participating in their own way according to the diversity of orders and liturgical functions.

§3. The eucharistic celebration is to be organized in such a way that all those participating receive from it the many fruits for which Christ the Lord instituted the eucharistic sacrifice

Art. 1. THE MINISTER OF THE MOST HOLY EUCHARIST

Can. 900 §1. The minister who is able to confect the sacrament of the Eucharist in the person of Christ is a validly ordained priest alone.

§2. A priest not impeded by canon law celebrates the Eucharist licitly; the provisions of the following canons are to be observed.

Can. 901 A priest is free to apply the Mass for anyone, living or dead.

Can. 902 Unless the welfare of the Christian faithful requires or suggests otherwise, priests can concelebrate the Eucharist. They are completely free to celebrate the Eucharist individually, however, but not while a concelebration is taking place in the same church or oratory.

Can. 903 A priest is to be permitted to celebrate even if the rector of the church does not know him, provided that either he presents a letter of introduction from his ordinary or superior, issued at least within the year, or it can be judged prudently that he is not impeded from celebrating.

Can. 904 Remembering always that in the mystery of the eucharistic sacrifice the work of redemption is exercised continually, priests are to celebrate frequently; indeed, daily celebration is recommended earnestly since, even if the faithful cannot be present, it is the act of Christ and the Church in which priests fulfill their principal function.

Can. 905 §1. A priest is not permitted to celebrate the Eucharist more than once a day except in cases where the law permits him to celebrate or concelebrate more than once on the same day.

§2. If there is a shortage of priests, the local ordinary can allow priests to celebrate twice a day for a just cause, or if pastoral necessity requires it, even three times on Sundays and holy days of obligation.

Can. 906 Except for a just and reasonable cause, a priest is not to celebrate the eucharistic sacrifice without the participation of at least some member of the faithful.

Can. 907 In the eucharistic celebration deacons and lay persons are not permitted to offer prayers, especially the eucharistic prayer, or to perform actions which are proper to the celebrating priest.

Can. 908 Catholic priests are forbidden to concelebrate the Eucharist with priests or ministers of Churches or ecclesial communities which do not have full communion with the Catholic Church.

Can. 909 A priest is not to neglect to prepare himself properly through prayer for the celebration of the eucharistic sacrifice and to offer thanks to God at its completion.

Can. 910 §1. The ordinary minister of holy communion is a bishop, presbyter, or deacon.

§2. The extraordinary minister of holy communion is an acolyte or another member of the Christian faithful designated according to the norm of ⇒ can. 230, §3.

Can. 911 §1. The pastor, parochial vicars, chaplains, and, with regard to all those dwelling in the house, the superior of a community in clerical religious institutes and societies of apostolic life have the duty and right of bringing the Most Holy Eucharist as Viaticum to the sick.

§2. In the case of necessity or with at least the presumed permission of the pastor, chaplain, or superior, who must be notified afterwards, any priest or other minister of holy communion must do this.

Art. 2. PARTICIPATION IN THE MOST HOLY EUCHARIST

Can. 912 Any baptized person not prohibited by law can and must be admitted to holy communion.

Can. 913 §1. The administration of the Most Holy Eucharist to children requires that they have sufficient knowledge and careful preparation so that they understand the mystery of Christ according to their capacity and are able to receive the body of Christ with faith and devotion.

§2. The Most Holy Eucharist, however, can be administered to children in danger of death if they can distinguish the body of Christ from ordinary food and receive communion reverently.

Can. 914 It is primarily the duty of parents and those who take the place of parents, as well as the duty of pastors, to take care that children who have reached the use of reason are prepared properly and, after they have made sacramental confession, are refreshed with this divine food as soon as possible. It is for the pastor to exercise vigilance so that children who have not attained the use of reason or whom he judges are not sufficiently disposed do not approach holy communion.

Can. 915 Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to holy communion.

Can. 916 A person who is conscious of grave sin is not to celebrate Mass or receive the body of the Lord without previous sacramental confession unless there is a grave reason and there is no opportunity to confess; in this case the person is to remember the obligation to make an act of perfect contrition which includes the resolution of confessing as soon as possible.

Can. 917 A person who has already received the Most Holy Eucharist can receive it a second time on the same day only within the eucharistic celebration in which the person participates, without prejudice to the prescript of ⇒ can. 921, §2.

Can. 918 It is highly recommended that the faithful receive holy communion during the eucharistic celebration itself. It is to be administered outside the Mass, however, to those who request it for a just cause, with the liturgical rites being observed.

Can. 919 §1. A person who is to receive the Most Holy Eucharist is to abstain for at least one hour before holy communion from any food and drink, except for only water and medicine.

§2. A priest who celebrates the Most Holy Eucharist two or three times on the same day can take something before the second or third celebration even if there is less than one hour between them.

§3. The elderly, the infirm, and those who care for them can receive the Most Holy Eucharist even if they have eaten something within the

preceding hour.

Can. 920 §1. After being initiated into the Most Holy Eucharist, each of the faithful is obliged to receive holy communion at least once a year.

§2. This precept must be fulfilled during the Easter season unless it is fulfilled for a just cause at another time during the year.

Can. 921 §1. The Christian faithful who are in danger of death from any cause are to be nourished by holy communion in the form of Viaticum.

§2. Even if they have been nourished by holy communion on the same day, however, those in danger of death are strongly urged to receive communion again.

§3. While the danger of death lasts, it is recommended that holy communion be administered often, but on separate days.

Can. 922 Holy Viaticum for the sick is not to be delayed too long; those who have the care of souls are to be zealous and vigilant that the sick are nourished by Viaticum while fully conscious.

Can. 923 The Christian faithful can participate in the eucharistic sacrifice and receive holy communion in any Catholic rite, without prejudice to the prescript of ⇒ can. 844.

Art. 3. THE RITES AND CEREMONIES OF THE EUCHARISTIC CELEBRATION

Can. 924 §1. The most holy eucharistic sacrifice must be offered with bread and with wine in which a little water must be mixed.

§2. The bread must be only wheat and recently made so that there is no danger of spoiling.

§3. The wine must be natural from the fruit of the vine and not spoiled.

Can. 925 Holy communion is to be given under the form of bread alone, or under both species according to the norm of the liturgical laws, or even under the form of wine alone in a case of necessity.

Can. 926 According to the ancient tradition of the Latin Church, the priest is to use unleavened bread in the eucharistic celebration whenever he offers it.

Can. 927 It is absolutely forbidden, even in extreme urgent necessity, to consecrate one matter without the other or even both outside the eucharistic celebration.

Can. 928 The eucharistic celebration is to be carried out in the Latin language or in another language provided that the liturgical texts have been legitimately approved.

Can. 929 In celebrating and administering the Eucharist, priests and deacons are to wear the sacred vestments prescribed by the rubrics.

Can. 930 §1. If an infirm or elderly priest is unable to stand, he can celebrate the eucharistic sacrifice while seated, but not before the people except with the permission of the local ordinary; the liturgical laws are to be observed.

§2. A blind or otherwise infirm priest licitly celebrates the eucharistic sacrifice by using any approved text of the Mass with the assistance, if needed, of another priest, deacon, or even a properly instructed lay person.

Art. 4. THE TIME AND PLACE OF THE CELEBRATION OF THE EUCHARIST

Can. 931 The celebration and distribution of the Eucharist can be done at any day and hour except those which the liturgical norms exclude.

Can. 932 §1. The eucharistic celebration is to be carried out in a sacred place unless in a particular case necessity requires otherwise; in such a case the celebration must be done in a decent place.

§2. The eucharistic sacrifice must be carried out on a dedicated or blessed altar; outside a sacred place a suitable table can be used, always with a cloth and a corporal.

Can. 933 For a just cause and with the express permission of the local ordinary, a priest is permitted to celebrate the Eucharist in the place of

worship of some Church or ecclesial community which does not have full communion with the Catholic Church so long as there is no scandal.

CHAPTER II. THE RESERVATION AND VENERATION OF THE MOST HOLY EUCHARIST

Can. 934 §1. The Most Holy Eucharist:

1/ must be reserved in the cathedral church or its equivalent, in every parish church, and in a church or oratory connected to the house of a religious institute or society of apostolic life;

2/ can be reserved in the chapel of the bishop and, with the permission of the local ordinary, in other churches, oratories, and chapels.

§2. In sacred places where the Most Holy Eucharist is reserved, there must always be someone responsible for it and, insofar as possible, a priest is to celebrate Mass there at least twice a month.

Can. 935 No one is permitted to keep the Eucharist on one's person or to carry it around, unless pastoral necessity urges it and the prescripts of the diocesan bishop are observed.

Can. 936 In the house of a religious institute or some other pious house, the Most Holy Eucharist is to be reserved only in the church or principal oratory attached to the house. For a just cause, however, the ordinary can also permit it to be reserved in another oratory of the same house.

Can. 937 Unless there is a grave reason to the contrary, the church in which the Most Holy Eucharist is reserved is to be open to the faithful for at least some hours every day so that they can pray before the Most Blessed Sacrament.

Can. 938 §1. The Most Holy Eucharist is to be reserved habitually in only one tabernacle of a church or oratory.

§2. The tabernacle in which the Most Holy Eucharist is reserved is to be situated in some part of the church or oratory which is distinguished, conspicuous, beautifully decorated, and suitable for prayer.

§3. The tabernacle in which the Most Holy Eucharist is reserved habitually is to be immovable, made of solid and opaque material, and locked in such a way that the danger of profanation is avoided as much as possible.

§4. For a grave cause, it is permitted to reserve the Most Holy Eucharist in some other fit-ting and more secure place, especially at night.

§5. The person responsible for the church or oratory is to take care that the key of the tabernacle in which the Most Holy Eucharist is reserved is safeguarded most diligently.

Can. 939 Consecrated hosts in a quantity sufficient for the needs of the faithful are to be kept in a pyx or small vessel; they are to be renewed frequently and the older hosts consumed properly.

Can. 940 A special lamp which indicates and honors the presence of Christ is to shine continuously before a tabernacle in which the Most Holy Eucharist is reserved.

Can. 941 §1. In churches or oratories where it is permitted to reserve the Most Holy Eucharist, there can be expositions with the pyx or the monstrance; the norms prescribed in the liturgical books are to be observed.

§2. Exposition of the Most Blessed Sacrament is not to be held in the same area of the church or oratory during the celebration of Mass.

Can. 942 It is recommended that in these churches and oratories an annual solemn exposition of the Most Blessed Sacrament be held for an appropriate period of time, even if not continuous, so that the local community more profoundly meditates on and adores the eucharistic mystery. Such an exposition is to be held, however, only if a suitable gathering of the faithful is foreseen and the established norms are observed.

Can. 943 The minister of exposition of the Most Blessed Sacrament and of eucharistic benediction is a priest or deacon; in special circumstances, the minister of exposition and reposition alone without benediction is the acolyte, extraordinary minister of holy communion, or someone else

designated by the local ordinary; the prescripts of the diocesan bishop are to be observed.

Can. 944 §1. When it can be done in the judgment of the diocesan bishop, a procession through the public streets is to be held as a public witness of veneration toward the Most Holy Eucharist, especially on the solemnity of the Body and Blood of Christ.

§2. It is for the diocesan bishop to establish regulations which provide for the participation in and the dignity of processions.

CHAPTER III. THE OFFERING GIVEN FOR THE CELEBRATION OF MASS

Can. 945 §1. In accord with the approved practice of the Church, any priest celebrating or concelebrating is permitted to receive an offering to apply the Mass for a specific intention.

§2. It is recommended earnestly to priests that they celebrate Mass for the intention of the Christian faithful, especially the needy, even if they have not received an offering.

Can. 946 The Christian faithful who give an offering to apply the Mass for their intention contribute to the good of the Church and by that offering share its concern to support its ministers and works.

Can. 947 Any appearance of traYcking or trading is to be excluded entirely from the offering for Masses.

Can. 948 Separate Masses are to be applied for the intentions of those for whom a single offering, although small, has been given and accepted.

Can. 949 A person obliged to celebrate and apply Mass for the intention of those who gave an offering is bound by the obligation even if the offerings received have been lost through no fault of his own.

Can. 950 If a sum of money is offered for the application of Masses without an indication of the number of Masses to be celebrated, the number

is to be computed on the basis of the offering established in the place where the donor resides, unless the intention of the donor must be presumed legitimately to have been different.

Can. 951 §1. A priest who celebrates several Masses on the same day can apply each to the intention for which the offering was given, but subject to the rule that, except on Christmas, he is to keep the offering for only one Mass and transfer the others to the purposes prescribed by the ordinary, while allowing for some recompense by reason of an extrinsic title.

§2. A priest who concelebrates a second Mass on the same day cannot accept an offering for it under any title.

Can. 952 §1. It is for the provincial council or a meeting of the bishops of the province to define by decree for the entire province the offering to be given for the celebration and application of Mass, and a priest is not permitted to seek a larger sum. Nevertheless, he is permitted to accept for the application of a Mass a voluntary offering which is larger or even smaller than the one defined.

§2. Where there is no such decree, the custom in force in the diocese is to be observed.

§3. Members of all religious institutes must also observe the same decree or local custom mentioned in §§1 and 2.

Can. 953 No one is permitted to accept more offerings for Masses to be applied by himself than he can satisfy within a year.

Can. 954 If in certain churches or oratories more Masses are asked to be celebrated than can be celebrated there, it is permitted for them to be celebrated elsewhere unless the donors have expressly indicated a contrary intention.

Can. 955 §1. A person who intends to entrust to others the celebration of Masses to be applied is to entrust their celebration as soon as possible to priests acceptable to him, provided that he is certain that they are above suspicion.

He must transfer the entire offering received unless it is certain that the excess over the sum fixed in the diocese was given for him personally. He is also obliged to see to the celebration of the Masses until he learns that the obligation has been accepted and the offering received.

§2. The time within which Masses must be celebrated begins on the day the priest who is to celebrate them received them unless it is otherwise evident.

§3. Those who entrust to others Masses to be celebrated are to record in a book without delay both the Masses which they received and those which they transferred to others, as well as their offerings.

§4. Every priest must note accurately the Masses which he accepted to celebrate and those which he has satisfied.

Can. 956 Each and every administrator of pious causes or those obliged in any way to see to the celebration of Masses, whether clerics or laity, are to hand over to their ordinaries according to the method defined by the latter the Mass obligations which have not been satisfied within a year.

Can. 957 The duty and right of exercising vigilance that Mass obligations are fulfilled belong to the local ordinary in churches of secular clergy and to the superiors in churches of religious institutes or societies of apostolic life.

Can. 958 §1. The pastor and the rector of a church or other pious place which regularly receives offerings for Masses are to have a special book in which they note accurately the number of Masses to be celebrated, the intention, the offering given, and their celebration.

§2. The ordinary is obliged to examine these books each year either personally or through others.

TITLE IV. THE SACRAMENT OF PENANCE (Cann. 959 - 997)

Can. 959 In the sacrament of penance the faithful who confess their sins to a legitimate minister, are sorry for them, and intend to reform themselves obtain from God through the absolution imparted by the same minister forgiveness for the sins they have committed after baptism and, at the same, time are reconciled with the Church which they have wounded by sinning.

CHAPTER I. THE CELEBRATION OF THE SACRAMENT

Can. 960 Individual and integral confession and absolution constitute the only ordinary means by which a member of the faithful conscious of grave sin is reconciled with God and the Church. Only physical or moral impossibility excuses from confession of this type; in such a case reconciliation can be obtained by other means.

Can. 961 §1. Absolution cannot be imparted in a general manner to many penitents at once without previous individual confession unless:

1/ danger of death is imminent and there is insufficient time for the priest or priests to hear the confessions of the individual penitents;

2/ there is grave necessity, that is, when in view of the number of penitents, there are not enough confessors available to hear the confessions of individuals properly within a suitable period of time in such a way that the penitents are forced to be deprived for a long while of sacramental grace or holy communion through no fault of their own. Sufficient necessity is not considered to exist when confessors cannot be present due only to the large number of penitents such as can occur on some great feast or pilgrimage.

§2. It belongs to the diocesan bishop to judge whether the conditions required according to the norm of §1, n. 2 are present. He can determine the cases of such necessity, attentive to the criteria agreed upon with the other members of the conference of bishops.

Can. 962 §1. For a member of the Christian faithful validly to receive sacramental absolution given to many at one time, it is required not only that the person is properly disposed but also at the same time intends to confess within a suitable period of time each grave sin which at the present time cannot be so confessed.

§2. Insofar as it can be done even on the occasion of the reception of general absolution, the Christian faithful are to be instructed about the requirements of the norm of §1. An exhortation that each person take care to make an act of contrition is to precede general absolution even in the case of danger of death, if there is time.

Can. 963 Without prejudice to the obligation mentioned in ⇒ can. 989, a person whose grave sins are remitted by general absolution is to approach individual confession as soon as possible, given the opportunity, before receiving another general absolution, unless a just cause intervenes.

Can. 964 §1. The proper place to hear sacramental confessions is a church or oratory.

§2. The conference of bishops is to establish norms regarding the confessional; it is to take care, however, that there are always confessionals with a fixed grate between the penitent and the confessor in an open place so that the faithful who wish to can use them freely.

§3. Confessions are not to be heard outside a confessional without a just cause.

CHAPTER II. THE MINISTER OF THE SACRAMENT OF PENANCE

Can. 965 A priest alone is the minister of the sacrament of penance.

Can. 966 §1. The valid absolution of sins requires that the minister have, in addition to the power of orders, the faculty of exercising it for the faithful to whom he imparts absolution.

§2. A priest can be given this faculty either by the law itself or by a grant made by the competent authority according to the norm of ⇒ can. 969.

Can. 967 §1. In addition to the Roman Pontiff, cardinals have the faculty of hearing the confessions of the Christian faithful everywhere in the world by the law itself. Bishops likewise have this faculty and use it licitly everywhere unless the diocesan bishop has denied it in a particular case.

§2. Those who possess the faculty of hearing confessions habitually whether by virtue of office or by virtue of the grant of an ordinary of the place of incardination or of the place in which they have a domicile can exercise that faculty everywhere unless the local ordinary has denied it in a particular case, without prejudice to the prescripts of ⇒ can. 974, §§2 and 3.

§3. Those who are provided with the faculty of hearing confessions by reason of office or grant of a competent superior according to the norm of cann. ⇒ 968, §2 and ⇒ 969, §2 possess the same faculty everywhere by the law itself as regards members and others living day and night in the house of the institute or society; they also use the faculty licitly unless some major superior has denied it in a particular case as regards his own subjects.

Can. 968 §1. In virtue of office, a local ordinary, canon penitentiary, a pastor, and those who take the place of a pastor possess the faculty of hearing confessions, each within his jurisdiction.

§2. In virtue of their office, superiors of religious institutes or societies of apostolic life that are clerical and of pontifical right, who have executive power of governance according to the norm of their constitutions, possess the faculty of hearing the confessions of their subjects and of others living day and night in the house, without prejudice to the prescript of ⇒ can. 630, §4.

Can. 969 §1. The local ordinary alone is competent to confer upon any presbyters whatsoever the faculty to hear the confessions of any of the faithful. Presbyters who are members of religious institutes, however, are not to use the faculty without at least the presumed permission of their superior.

§2. The superior of a religious institute or society of apostolic life mentioned in ⇒ can. 968, §2 is competent to confer upon any presbyters whatsoever the faculty to hear the confessions of their subjects and of others living day and night in the house.

Can. 970 The faculty to hear confessions is not to be granted except to presbyters who are found to be suitable through an examination or whose suitability is otherwise evident.

Can. 971 The local ordinary is not to grant the faculty of hearing confessions habitually to a presbyter, even one having a domicile or quasi-domicile in his jurisdiction, unless he has first heard the ordinary of the same presbyter insofar as possible.

Can. 972 The competent authority mentioned in ⇒ can. 969 can grant the faculty to hear confessions for either an indefinite or a definite period of time.

Can. 973 The faculty to hear confessions habitually is to be granted in writing.

Can. 974 §1. The local ordinary and the competent superior are not to revoke the faculty to hear confessions habitually except for a grave cause.

§2. When the faculty to hear confessions has been revoked by the local ordinary who granted it as mentioned in ⇒ can. 967, §2, a presbyter loses the faculty everywhere. If some other local ordinary has revoked the faculty, the presbyter loses it only in the territory of the one who revokes it.

§3. Any local ordinary who has revoked the faculty of some presbyter to hear confessions is to inform the proper ordinary of incardination of the presbyter or, if he is a member of a religious institute, his competent superior.

§4. If the proper major superior of a presbyter has revoked the faculty to hear confessions, the presbyter loses the faulty to hear the confessions of members of the institute everywhere. If some other competent superior has revoked the faculty, however, the presbyter loses it only with regard to the subjects in the jurisdiction of that superior.

Can. 975 Besides by revocation, the faculty mentioned in ⇒ can. 967, §2 ceases by loss of office, excardination, or loss of domicile.

Can. 976 Even though a priest lacks the faculty to hear confessions, he absolves validly and licitly any penitents whatsoever in danger of death from any censures and sins, even if an approved priest is present.

Can. 977 The absolution of an accomplice in a sin against the sixth commandment of the Decalogue is invalid except in danger of death.

Can. 978 §1. In hearing confessions the priest is to remember that he is equally a judge and a physician and has been established by God as a minister of divine justice and mercy, so that he has regard for the divine honor and the salvation of souls.

§2. In administering the sacrament, the confessor as a minister of the Church is to adhere faithfully to the doctrine of the magisterium and the norms issued by competent authority.

Can. 979 In posing questions, the priest is to proceed with prudence and discretion, attentive to the condition and age of the penitent, and is to refrain from asking the name of an accomplice.

Can. 980 If the confessor has no doubt about the disposition of the penitent, and the penitent seeks absolution, absolution is to be neither refused nor deferred.

Can. 981 The confessor is to impose salutary and suitable penances in accord with the quality and number of sins, taking into account the condition of the penitent. The penitent is obliged to fulfill these personally.

Can. 982 Whoever confesses to have denounced falsely an innocent confessor to ecclesiastical authority concerning the crime of solicitation to sin against the sixth commandment of the Decalogue is not to be absolved unless the person has first formally retracted the false denunciation and is prepared to repair damages if there are any.

Can. 983 §1. The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

§2. The interpreter, if there is one, and all others who in any way have knowledge of sins from confession are also obliged to observe secrecy.

Can. 984 §1. A confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded.

§2. A person who has been placed in authority cannot use in any manner for external governance the knowledge about sins which he has received in confession at any time.

Can. 985 The director of novices and his associate and the rector of a seminary or other institute of education are not to hear the sacramental confessions of their students residing in the same house unless the students freely request it in particular cases.

Can. 986 §1. All to whom the care of souls has been entrusted in virtue of some function are obliged to make provision so that the confessions of the faithful entrusted to them are heard when they reasonably seek to be heard and that they have the opportunity to approach individual confession on days and at times established for their convenience.

§2. In urgent necessity, any confessor is obliged to hear the confessions of the Christian faithful, and in danger of death, any priest is so obliged.

CHAPTER III. THE PENITENT

Can. 987 To receive the salvific remedy of the sacrament of penance, a member of the Christian faithful must be disposed in such a way that, rejecting sins committed and having a purpose of amendment, the person is turned back to God.

Can. 988 §1. A member of the Christian faithful is obliged to confess in kind and number all grave sins committed after baptism and not yet remitted directly through the keys of the Church nor acknowledged in individual confession, of which the person has knowledge after diligent examination of conscience.

§2. It is recommended to the Christian faithful that they also confess venial sins.

Can. 989 After having reached the age of discretion, each member of the faithful is ob-liged to confess faithfully his or her grave sins at least once a year.

Can. 990 No one is prohibited from confessing through an interpreter as long as abuses and scandals are avoided and without prejudice to the prescript of ⇒ can. 983, §2.

Can. 991 Every member of the Christian faithful is free to confess sins to a legitimately approved confessor of his or her choice, even to one of another rite.

CHAPTER IV. INDULGENCES

Can. 992 An indulgence is the remission before God of temporal punishment for sins whose guilt is already forgiven, which a properly disposed member of the Christian faithful gains under certain and defined conditions by the assistance of the Church which as minister of redemption dispenses and applies authoritatively the treasury of the satisfactions of Christ and the saints.

Can. 993 An indulgence is partial or plenary insofar as it partially or totally frees from the temporal punishment due to sins.

Can. 994 Any member of the faithful can gain partial or plenary indulgences for oneself or apply them to the dead by way of suffrage.

Can. 995 §1. In addition to the supreme authority of the Church, only those to whom this power is acknowledged in the law or granted by the Roman Pontiff can bestow indulgences.

§2. No authority below the Roman Pontiff can entrust the power of granting indulgences to others unless the Apostolic See has given this expressly to the person.

Can. 996 §1. To be capable of gaining indulgences, a person must be baptized, not excommunicated, and in the state of grace at least at the end of the prescribed works.

§2. To gain indulgences, however, a capable subject must have at least the general intention of acquiring them and must fulfill the enjoined works in

the established time and the proper method, according to the tenor of the grant.

Can. 997 As regards the granting and use of indulgences, the other prescripts contained in the special laws of the Church must also be observed.

TITLE V. THE SACRAMENT OF THE ANOINTING OF THE SICK (Cann. 998 - 1007)

Can. 998 The anointing of the sick, by which the Church commends the faithful who are dangerously ill to the suVering and glorified Lord in order that he relieve and save them, is conferred by anointing them with oil and pronouncing the words prescribed in the liturgical books.

CHAPTER I. THE CELEBRATION OF THE SACRAMENT

Can. 999 In addition to a bishop, the following can bless the oil to be used in the anointing of the sick:

1/ those equivalent to a diocesan bishop by law;

2/ any presbyter in a case of necessity, but only in the actual celebration of the sacrament.

Can. 1000 §1. The anointings with the words, order, and manner prescribed in the liturgical books are to be performed carefully. In a case of necessity, however, a single anointing on the forehead or even on some other part of the body is sufficient, while the entire formula is said.

§2. The minister is to perform the anointings with his own hand, unless a grave reason warrants the use of an instrument.

Can. 1001 Pastors of souls and those close to the sick are to take care that the sick are consoled by this sacrament at the appropriate time.

Can. 1002 The communal celebration of the anointing of the sick for many of the sick at once, who have been suitably prepared and are properly disposed, can be performed according to the prescripts of the diocesan bishop.

CHAPTER II. THE MINISTER OF THE ANOINTING OF THE SICK

Can. 1003 §1. Every priest and a priest alone validly administers the anointing of the sick.

§2. All priests to whom the care of souls has been entrusted have the duty and right of administering the anointing of the sick for the faithful entrusted to their pastoral office. For a reasonable cause, any other priest can administer this sacrament with at least the presumed consent of the priest mentioned above.

§3. Any priest is permitted to carry blessed oil with him so that he is able to administer the sacrament of the anointing of the sick in a case of necessity.

CHAPTER III. THOSE ON WHOM THE ANOINTING OF THE SICK IS TO BE CONFERRED

Can. 1004 §1. The anointing of the sick can be administered to a member of the faithful who, having reached the use of reason, begins to be in danger due to sickness or old age.

§2. This sacrament can be repeated if the sick person, having recovered, again becomes gravely ill or if the condition becomes more grave during the same illness.

Can. 1005 This sacrament is to be administered in a case of doubt whether the sick person has attained the use of reason, is dangerously ill, or is dead.

Can. 1006 This sacrament is to be conferred on the sick who at least implicitly requested it when they were in control of their faculties.

Can. 1007 The anointing of the sick is not to be conferred upon those who persevere obstinately in manifest grave sin.

TITLE VI. ORDERS (Cann. 1008 - 1054)

Can. 1008 By divine institution, the sacrament of orders establishes some among the Christian faithful as sacred ministers through an indelible character which marks them. They are consecrated and designated, each

according to his grade, to nourish the people of God, fufilling in the person of Christ the Head the functions of teaching, sanctifying, and governing.

Can. 1009 §1. The orders are the episcopate, the presbyterate, and the diaconate.

§2. They are conferred by the imposition of hands and the consecratory prayer which the liturgical books prescribe for the individual grades.

CHAPTER I. THE CELEBRATION AND MINISTER OF ORDINATION

Can. 1010 Ordination is to be celebrated within the solemnities of the Mass on a Sunday or holy day of obligation.

For pastoral reasons it can take place also on other days, even weekdays.

Can. 1011 §1. Ordination generally is to be celebrated in the cathedral church; for pastoral reasons, however, it can be celebrated in another church or oratory.

§2. Clerics and other members of the Christian faithful must be invited to the ordination so that as large an assembly as possible is present at the celebration.

Can. 1012 The minister of sacred ordination is a consecrated bishop.

Can. 1013 No bishop is permitted to consecrate anyone a bishop unless it is first evident that there is a pontifical mandate.

Can. 1014 Unless the Apostolic See has granted a dispensation, the principal bishop consecrator in an episcopal consecration is to be joined by at least two consecrating bishops; it is especially appropriate, however, that all the bishops present consecrate the elect together with the bishops mentioned.

Can. 1015 §1. Each person is to be ordained to the presbyterate or the diaconate by his proper bishop or with legitimate dimissorial letters from him.

§2. If not impeded by a just cause, the proper bishop is to ordain his own subjects personally; without an apostolic indult, however, he cannot ordain licitly a subject of an Eastern rite.

§3. The person who can give dimissorial letters to receive orders can himself also confer the same orders personally if he possesses the episcopal character.

Can. 1016 As regards the diaconal ordination of those who intend to be enrolled in the secular clergy, the proper bishop is the bishop of the diocese in which the candidate has a domicile or the bishop of the diocese to which the candidate is determined to devote himself. As regards the presbyteral ordination of secular clerics, it is the bishop of the diocese in which the candidate was incardinated through the diaconate.

Can. 1017 A bishop cannot confer orders outside his own jurisdiction without the permission of the diocesan bishop.

Can. 1018 §1. The following can give dimissorial letters for secular clergy:

1/ the proper bishop mentioned in ⇒ can. 1016;

2/ an apostolic administrator and, with the consent of the college of consultors, a diocesan administrator; with the consent of the council mentioned in ⇒ can. 495, §2, an apostolic pro-vicar and an apostolic pro-prefect.

§2. A diocesan administrator, apostolic pro-vicar, and apostolic pro-prefect are not to grant dimissorial letters to those who have been denied admission to orders by the diocesan bishop, the apostolic vicar, or the apostolic prefect.

Can. 1019 §1. The major superior of a clerical religious institute of pontifical right or of a clerical society of apostolic life of pontifical right is competent to grant dimissorial letters for the diaconate and the presbyterate to their subjects who are enrolled perpetually or defin-itively in the institute or society according to their constitutions.

§2. The law for secular clerics governs the ordination of all other candidates of any institute or society; any other indult granted to superiors is revoked.

Can. 1020 Dimissorial letters are not to be granted unless all the testimonials and documents required by law according to the norm of cann. ⇒ 1050 and ⇒ 1051 have been obtained beforehand.

Can. 1021 Dimissorial letters can be sent to any bishop in communion with the Apostolic See except to a bishop of a rite different from the rite of the candidate unless there is an apostolic indult.

Can. 1022 After the ordaining bishop has received legitimate dimissorial letters, he is not to proceed to the ordination unless it is clearly evident that the letters are authentic.

Can. 1023 Dimissorial letters can be limited or revoked by the one who granted them or by his successor, but once granted they do not lapse when the authority of the one who granted them ceases.

CHAPTER II. THOSE TO BE ORDAINED

Can. 1024 A baptized male alone receives sacred ordination validly.

Can. 1025 §1. To confer the presbyteral or diaconal orders licitly, it is required that the candidate, having completed the period of probation according to the norm of law, is endowed in the judgment of his own bishop or of the competent major superior with the necessary qualities, is prevented by no irregularity and no impediment, and has fulfilled the prerequisites according to the norm of ⇒ cann. 1033-1039. Moreover, the documents mentioned in ⇒ can. 1050 are to be obtained and the investigation mentioned in ⇒ can. 1051 is to be completed.

§2. Furthermore, it is required that he is considered in the judgment of the same legitimate superior as useful for the ministry of the Church.

§3. The bishop ordaining his own subject who is destined to the service of another diocese must be sure that the one to be ordained is going to be

attached to this other diocese.

Art. 1. REQUIREMENTS IN THOSE TO BE ORDAINED

Can. 1026 A person must possess due freedom in order to be ordained. It is absolutely forbidden to force anyone in any way or for any reason to receive orders or to deter one who is canonically suitable from receiving them.

Can. 1027 Those aspiring to the diaconate and presbyterate are to be formed by careful preparation, according to the norm of law.

Can. 1028 The diocesan bishop or the competent superior is to take care that before candidates are promoted to any order, they are instructed properly about those things which belong to the order and its obligations.

Can. 1029 Only those are to be promoted to orders who, in the prudent judgment of their own bishop or of the competent major superior, all things considered, have integral faith, are moved by the right intention, have the requisite knowledge, possess a good reputation, and are endowed with integral morals and proven virtues and the other physical and psychic qualities in keeping with the order to be received.

Can. 1030 Only for a canonical cause, even if occult, can the proper bishop or competent major superior forbid admission to the presbyterate to deacons subject to him who are destined to the presbyterate, without prejudice to recourse according to the norm of law.

Can. 1031 §1. The presbyterate is not to be conferred except on those who have completed the twenty-fifth year of age and possess sufficient maturity; an interval of at least six months is to be observed between the diaconate and the presbyterate. Those destined to the presbyterate are to be admitted to the order of deacon only after completing the twenty-third year of age.

§2. A candidate for the permanent diaconate who is not married is not to be admitted to the diaconate until after completing at least the twenty-fifth year of age; one who is married, not until after completing at least the thirty-fifth year of age and with the consent of his wife.

§3. The conference of bishops is free to establish norms which require an older age for the presbyterate and the permanent diaconate.

§4. A dispensation of more than a year from the age required according to the norm of §§1 and 2 is reserved to the Apostolic See.

Can. 1032 §1. Those aspiring to the presbyterate can be promoted to the diaconate only after they have completed the fifth year of the curriculum of philosophical and theological studies.

§2. After a deacon has completed the curriculum of studies and before he is promoted to the presbyterate, he is to take part in pastoral care, exercising the diaconal order, for a suitable time defined by the bishop or competent major superior.

§3. A person aspiring to the permanent diaconate is not to be promoted to this order unless he has completed the time of formation.

Art. 2. THE PREREQUISITES FOR ORDINATION

Can. 1033 A person is promoted licitly to orders only if he has received the sacrament of confirmation.

Can. 1034 §1. A person aspiring to the diaconate or presbyterate is not to be ordained unless he has first been enrolled among the candidates through the liturgical rite of admission by the authority mentioned in cann. ⇒ 1016 and ⇒ 1019; his petition is previously to have been written in his own hand, signed, and accepted in writing by the same authority.

§2. A person who has been received into a clerical institute through vows is not bound to obtain this admission.

Can. 1035 §1. Before anyone is promoted to the permanent or transitional diaconate, he is required to have received the ministries of lector and acolyte and to have exercised them for a suitable period of time.

§2. There is to be an interval of at least six months between the conferral of the ministry of acolyte and the diaconate.

Can. 1036 In order to be promoted to the order of diaconate or of presbyterate, the candidate is to present to his bishop or competent major superior a declaration written in his own hand and signed in which he attests that he will receive the sacred order of his own accord and freely and will devote himself perpetually to the ecclesiastical ministry and at the same time asks to be admitted to the order to be received.

Can. 1037 An unmarried candidate for the permanent diaconate and a candidate for the presbyterate are not to be admitted to the order of diaconate unless they have assumed the obligation of celibacy in the prescribed rite publicly before God and the Church or have made perpetual vows in a religious institute.

Can. 1038 A deacon who refuses to be promoted to the presbyterate cannot be prohibited from the exercise of the order received unless he is prevented by a canonical impediment or another grave cause to be evaluated in the judgment of the diocesan bishop or competent major superior.

Can. 1039 All candidates for any order are to make a spiritual retreat for at least five days in a place and manner determined by the ordinary. Before the bishop proceeds to ordination, he must be certain that the candidates properly made this retreat.

Art. 3. IRREGULARITIES AND OTHER IMPEDIMENTS

Can. 1040 Those aVected by any impediment, whether perpetual, which is called an irregularity, or simple, are prevented from receiving orders. The only impediments incurred, however, are those contained in the following canons.

Can. 1041 The following are irregular for receiving orders:

1/ a person who labors under some form of amentia or other psychic illness due to which, after experts have been consulted, he is judged unqualified to fulfill the ministry properly;

2/ a person who has committed the delict of apostasy, heresy, or schism;

3/ a person who has attempted marriage, even only civilly, while either impeded personally from entering marriage by a matrimonial bond, sacred orders, or a public perpetual vow of chastity, or with a woman bound by a valid marriage or restricted by the same type of vow;

4/ a person who has committed voluntary homicide or procured a completed abortion and all those who positively cooperated in either;

5/ a person who has mutilated himself or another gravely and maliciously or who has attempted suicide;

6/ a person who has placed an act of orders reserved to those in the order of episcopate or presbyterate while either lacking that order or prohibited from its exercise by some declared or imposed canonical penalty.

Can. 1042 The following are simply impeded from receiving orders:

1/ a man who has a wife, unless he is legitimately destined to the permanent diaconate;

2/ a person who exercises an office or administration forbidden to clerics according to the norm of cann. ⇒ 285 and ⇒ 286 for which he must render an account, until he becomes free by having relinquished the office or administration and rendered the account;

3/ a neophyte unless he has been proven sufficiently in the judgment of the ordinary.

Can. 1043 If the Christian faithful are aware of impediments to sacred orders, they are obliged to reveal them to the ordinary or pastor before the ordination.

Can. 1044 §1. The following are irregular for the exercise of orders received:

1/ a person who has received orders illegitimately while aVected by an irregularity to receive them;

2/ a person who has committed a delict mentioned in ⇒ can. 1041, n. 2, if the delict is public;

3/ a person who has committed a delict mentioned in ⇒ can. 1041, nn. 3, 4, 5, 6.

§2. The following are impeded from the exercise of orders:

1/ a person who has received orders illegitimately while prevented by an impediment from receiving them;

2/ a person who is aVected by amentia or some other psychic illness mentioned in ⇒ can. 1041, n. 1 until the ordinary, after consulting an expert, permits the exercise of the order.

Can. 1045 Ignorance of the irregularities and impediments does not exempt from them.

Can. 1046 Irregularities and impediments are multiplied if they arise from different causes. They are not multiplied, however, if they arise from the repetition of the same cause unless it is a question of the irregularity for voluntary homicide or for having procured a completed abortion.

Can. 1047 §1. Dispensation from all irregularities is reserved to the Apostolic See alone if the fact on which they are based has been brought to the judicial forum.

§2. Dispensation from the following irregularities and impediments to receive orders is also reserved to the Apostolic See:

1/ irregularities from the public delicts mentioned in ⇒ can. 1041, nn. 2 and 3;

2/ the irregularity from the delict mentioned in ⇒ can. 1041, n. 4, whether public or occult;

3/ the impediment mentioned in ⇒ can. 1042, n. 1.

§3. Dispensation in public cases from the irregularities from exercising an order received mentioned in ⇒ can. 1041, n. 3, and even in occult cases from the irregularities mentioned in ⇒ can. 1041, n. 4 is also reserved to the Apostolic See.

§4. An ordinary is able to dispense from irregularities and impediments not reserved to the Holy See.

Can. 1048 In more urgent occult cases, if the ordinary or, when it concerns the irregularities mentioned in ⇒ can. 1041, nn. 3 and 4, the Penitentiary cannot be approached and if there is imminent danger of grave harm or infamy, a person impeded by an irregularity from exercising an order can exercise it, but without prejudice to the obligation which remains of making recourse as soon as possible to the ordinary or the Penitentiary, omitting the name and through a confessor.

Can. 1049 §1. Petitions to obtain a dispensation from irregularities or impediments must indicate all the irregularities and impediments. Nevertheless, a general dispensation is valid even for those omitted in good faith, except for the irregularities mentioned in ⇒ can. 1041, n. 4, and for others brought to the judicial forum, but not for those omitted in bad faith.

§2. If it is a question of the irregularity from voluntary homicide or a procured abortion, the number of the delicts also must be mentioned for the validity of the dispensation.

§3. A general dispensation from irregularities and impediments to receive orders is valid for all the orders.

Art. 4. THE REQUIRED DOCUMENTS AND INVESTIGATION

Can. 1050 For a person to be promoted to sacred orders, the following documents are required:

1/ a testimonial that studies have been properly completed according to the norm of ⇒ can. 1032;

2/ for those to be ordained to the presbyterate, a testimonial that the diaconate was received;

3/ for candidates to the diaconate, a testimonial that baptism, confirmation and the ministries mentioned in ⇒ Can. 1035 were received; likewise, a testimonial that the declaration mentioned in ⇒ can. 1036 was made, and if the one to be ordained to the permanent diaconate is a married candidate, testimonials that the marriage was celebrated and the wife consents.

Can. 1051 The following prescripts regarding the investigation about the qualities required in the one to be ordained are to be observed:

1/ there is to be a testimonial of the rector of the seminary or house of formation about the qualities required to receive the order, that is, about the sound doctrine of the candidate, his genuine piety, good morals, and aptitude to exercise the ministry, as well as, after a properly executed inquiry, about his state of physical and psychic health;

2/ in order to conduct the investigation properly, the diocesan bishop or major superior can employ other means which seem useful to him according to the circumstances of time and place, such as testimonial letters, public announcements, or other sources of information.

Can. 1052 §1. For a bishop conferring ordination by his own right to proceed to the ordination, he must be sure that the documents mentioned in ⇒ can. 1050 are at hand and that, after the investigation has been conducted according to the norm of law, positive arguments have proven the suitability of the candidate.

§2. For a bishop to proceed to the ordination of someone who is not his subject, it is sufficient that the dimissorial letters mention that the same documents are at hand, that the investigation has been performed according to the norm of the law, and that the suitability of the candidate has been established. Moreover, if the candidate is a member of a religious institute or a society of apostolic life, the same letters must also attest that he has been received definitively into the institute or society and is a subject of the superior who gives the letters.

§3. If, all these notwithstanding, the bishop doubts for specific reasons whether a candidate is suitable to receive orders, he is not to promote him.

CHAPTER III. THE NOTATION AND TESTIMONIAL OF ORDINATION CONFERRED

Can. 1053 §1. After an ordination has taken place, the names of those ordained and of the ordaining minister and the place and date of the ordination are to be noted in a special register to be kept carefully in the curia of the place of ordination; all the documents of individual ordinations are to be preserved carefully.

§2. The ordaining bishop is to give to each of the ordained an authentic testimonial of the reception of ordination; if a bishop other than their own promoted them with dimissorial letters, they are to show the testimonial to their own ordinary for notation of the ordination in a special register to be kept in the archive.

Can. 1054 The local ordinary if it concerns seculars, or the competent major superior if it concerns his own subjects, is to send notice of each ordination celebrated to the pastor of the place of baptism, who is to record it in his baptismal register according to the norm of ⇒ can. 535, §2.

TITLE VII. MARRIAGE (Cann. 1055 - 1165)

Can. 1055 §1. The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized.

§2. For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament.

Can. 1056 The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament.

Can. 1057 §1. The consent of the parties, legitimately manifested between persons quali-fied by law, makes marriage; no human power is able to

supply this consent.

§2. Matrimonial consent is an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage.

Can. 1058 All persons who are not prohibited by law can contract marriage.

Can. 1059 Even if only one party is Catholic, the marriage of Catholics is governed not only by divine law but also by canon law, without prejudice to the competence of civil authority concerning the merely civil effects of the same marriage.

Can. 1060 Marriage possesses the favor of law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven.

Can. 1061 §1. A valid marriage between the baptized is called ratum tantum if it has not been consummated; it is called ratum et consummatum if the spouses have performed between themselves in a human fashion a conjugal act which is suitable in itself for the procreation of offspring, to which marriage is ordered by its nature and by which the spouses become one flesh.

§2. After a marriage has been celebrated, if the spouses have lived together consummation is presumed until the contrary is proven.

§3. An invalid marriage is called putative if at least one party celebrated it in good faith, until both parties become certain of its nullity.

Can. 1062 §1. A promise of marriage, whether unilateral or bilateral, which is called an engagement, is governed by the particular law established by the conference of bishops, after it has considered any existing customs and civil laws.

§2. A promise to marry does not give rise to an action to seek the celebration of marriage; an action to repair damages, however, does arise if warranted.

CHAPTER I. PASTORAL CARE AND THOSE THINGS WHICH MUST PRECEDE THE CELEBRATION OF MARRIAGE

Can. 1063 Pastors of souls are obliged to take care that their ecclesiastical community offers the Christian faithful the assistance by which the matrimonial state is preserved in a Christian spirit and advances in perfection. This assistance must be offered especially by:

1/ preaching, catechesis adapted to minors, youth, and adults, and even the use of instruments of social communication, by which the Christian faithful are instructed about the meaning of Christian marriage and about the function of Christian spouses and parents;

2/ personal preparation to enter marriage, which disposes the spouses to the holiness and duties of their new state;

3/ a fruitful liturgical celebration of marriage which is to show that the spouses signify and share in the mystery of the unity and fruitful love between Christ and the Church;

4/ help offered to those who are married, so that faithfully preserving and protecting the conjugal covenant, they daily come to lead holier and fuller lives in their family.

Can. 1064 It is for the local ordinary to take care that such assistance is organized fit-tingly, after he has also heard men and women proven by experience and expertise if it seems opportune.

Can. 1065 §1. Catholics who have not yet received the sacrament of confirmation are to receive it before they are admitted to marriage if it can be done without grave inconvenience.

§2. To receive the sacrament of marriage fruitfully, spouses are urged especially to approach the sacraments of penance and of the Most Holy Eucharist.

Can. 1066 Before a marriage is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration.

Can. 1067 The conference of bishops is to establish norms about the examination of spouses and about the marriage banns or other opportune means to accomplish the investigations necessary before marriage. After these norms have been diligently observed, the pastor can proceed to assist at the marriage.

Can. 1068 In danger of death and if other proofs cannot be obtained, the aYrmation of the contracting parties, even sworn if the case warrants it, that they are baptized and are prevented by no impediment is sufficient unless there are indications to the contrary.

Can. 1069 All the faithful are obliged to reveal any impediments they know about to the pastor or local ordinary before the celebration of the marriage.

Can. 1070 If someone other than the pastor who is to assist at marriage has conducted the investigations, the person is to notify the pastor about the results as soon as possible through an authentic document.

Can. 1071 §1. Except in a case of necessity, a person is not to assist without the permission of the local ordinary at:

1/ a marriage of transients;

2/ a marriage which cannot be recognized or celebrated according to the norm of civil law;

3/ a marriage of a person who is bound by natural obligations toward another party or children arising from a previous union;

4/ a marriage of a person who has notoriously rejected the Catholic faith;

5/ a marriage of a person who is under a censure;

6/ a marriage of a minor child when the parents are unaware or reasonably opposed;

7/ a marriage to be entered into through a proxy as mentioned in ⇒ can. 1105.

§2. The local ordinary is not to grant permission to assist at the marriage of a person who has notoriously rejected the Catholic faith unless the norms mentioned in ⇒ can. 1125 have been observed with necessary adaptation.

Can. 1072 Pastors of souls are to take care to dissuade youth from the celebration of marriage before the age at which a person usually enters marriage according to the accepted practices of the region.

CHAPTER II. DIRIMENT IMPEDIMENTS IN GENERAL

Can. 1073 A diriment impediment renders a person unqualified to contract marriage validly.

Can. 1074 An impediment which can be proven in the external forum is considered to be public; otherwise it is occult.

Can. 1075 §1. It is only for the supreme authority of the Church to declare authentically when divine law prohibits or nullifies marriage.

§2. Only the supreme authority has the right to establish other impediments for the baptized.

Can. 1076 A custom which introduces a new impediment or is contrary to existing impediments is reprobated.

Can. 1077 §1. In a special case, the local ordinary can prohibit marriage for his own subjects residing anywhere and for all actually present in his own territory but only for a time, for a grave cause, and for as long as the cause continues.

§2. Only the supreme authority of the Church can add a nullifying clause to a prohibition.

Can. 1078 §1. The local ordinary can dispense his own subjects residing anywhere and all actually present in his own territory from all impediments of ecclesiastical law except those whose dispensation is reserved to the Apostolic See.

§2. Impediments whose dispensation is reserved to the Apostolic See are:

1/ the impediment arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right;

2/ the impediment of crime mentioned in ⇒ can. 1090.

§3. A dispensation is never given from the impediment of consanguinity in the direct line or in the second degree of the collateral line.

Can. 1079 §1. In urgent danger of death, the local ordinary can dispense his own subjects residing anywhere and all actually present in his territory both from the form to be observed in the celebration of marriage and from each and every impediment of ecclesiastical law, whether public or occult, except the impediment arising from the sacred order of presbyterate.

§2. In the same circumstances mentioned in §1, but only for cases in which the local ordinary cannot be reached, the pastor, the properly delegated sacred minister, and the priest or deacon who assists at marriage according to the norm of ⇒ can. 1116, §2 possess the same power of dispensing.

§3. In danger of death a confessor possesses the power of dispensing from occult impediments for the internal forum, whether within or outside the act of sacramental confession.

§4. In the case mentioned in §2, the local ordinary is not considered accessible if he can be reached only through telegraph or telephone.

Can. 1080 §1. Whenever an impediment is discovered after everything has already been prepared for the wedding, and the marriage cannot be delayed without probable danger of grave harm until a dispensation is obtained from the competent authority, the local ordinary and, provided that the case is occult, all those mentioned in ⇒ can. 1079, §§2-3 when the conditions prescribed therein have been observed possess the power of dispensing from all impediments except those mentioned in ⇒ can. 1078, §2, n. 1.

§2. This power is valid even to convalidate a marriage if there is the same danger in delay and there is insufficient time to make recourse to the

Apostolic See or to the local ordinary concerning impediments from which he is able to dispense.

Can. 1081 The pastor or the priest or deacon mentioned in ⇒ can. 1079, §2 is to notify the local ordinary immediately about a dispensation granted for the external forum; it is also to be noted in the marriage register.

Can. 1082 Unless a rescript of the Penitentiary provides otherwise, a dispensation from an occult impediment granted in the non-sacramental internal forum is to be noted in a book which must be kept in the secret archive of the curia; no other dispensation for the external forum is necessary if afterwards the occult impediment becomes public.

CHAPTER III. SPECIFIC DIRIMENT IMPEDIMENTS

Can. 1083 §1. A man before he has completed his sixteenth year of age and a woman before she has completed her fourteenth year of age cannot enter into a valid marriage.

§2. The conference of bishops is free to establish a higher age for the licit celebration of marriage.

Can. 1084 §1. Antecedent and perpetual impotence to have intercourse, whether on the part of the man or the woman, whether absolute or relative, nullifies marriage by its very nature.

§2. If the impediment of impotence is doubtful, whether by a doubt about the law or a doubt about a fact, a marriage must not be impeded nor, while the doubt remains, declared null.

§3. Sterility neither prohibits nor nullifies marriage, without prejudice to the prescript of ⇒ can. 1098.

Can. 1085 §1. A person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage.

§2. Even if the prior marriage is invalid or dissolved for any reason, it is not on that account permitted to contract another before the nullity or

dissolution of the prior marriage is established legitimately and certainly.

Can. 1086 §1. A marriage between two persons, one of whom has been baptized in the Catholic Church or received into it and has not defected from it by a formal act and the other of whom is not baptized, is invalid.

§2. A person is not to be dispensed from this impediment unless the conditions mentioned in cann. ⇒ 1125 and ⇒ 1126 have been fulfilled.

§3. If at the time the marriage was contracted one party was commonly held to have been baptized or the baptism was doubtful, the validity of the marriage must be presumed according to the norm of ⇒ can. 1060 until it is proven with certainty that one party was baptized but the other was not.

Can. 1087 Those in sacred orders invalidly attempt marriage.

Can. 1088 Those bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.

Can. 1089 No marriage can exist between a man and a woman who has been abducted or at least detained with a view of contracting marriage with her unless the woman chooses marriage of her own accord after she has been separated from the captor and established in a safe and free place.

Can. 1090 §1. Anyone who with a view to entering marriage with a certain person has brought about the death of that person's spouse or of one's own spouse invalidly attempts this marriage.

§2. Those who have brought about the death of a spouse by mutual physical or moral cooperation also invalidly attempt a marriage together.

Can. 1091 §1. In the direct line of consanguinity marriage is invalid between all ancestors and descendants, both legitimate and natural.

§2. In the collateral line marriage is invalid up to and including the fourth degree.

§3. The impediment of consanguinity is not multiplied.

§4. A marriage is never permitted if doubt exists whether the partners are related by consanguinity in any degree of the direct line or in the second degree of the collateral line.

Can. 1092 Affinity in the direct line in any degree invalidates a marriage.

Can. 1093 The impediment of public propriety arises from an invalid marriage after the establishment of common life or from notorious or public concubinage. It nullifies marriage in the first degree of the direct line between the man and the blood relatives of the woman, and vice versa.

Can. 1094 Those who are related in the direct line or in the second degree of the collateral line by a legal relationship arising from adoption cannot contract marriage together validly.

CHAPTER IV. MATRIMONIAL CONSENT

Can. 1095 The following are incapable of contracting marriage:

1/ those who lack the sufficient use of reason;

2/ those who suVer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;

3/ those who are not able to assume the essential obligations of marriage for causes of a psychic nature.

Can. 1096 §1. For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.

§2. This ignorance is not presumed after puberty.

Can. 1097 §1. Error concerning the person renders a marriage invalid.

§2. Error concerning a quality of the person does not render a marriage invalid even if it is the cause for the contract, unless this quality is directly

and principally intended.

Can. 1098 A person contracts invalidly who enters into a marriage deceived by malice, perpetrated to obtain consent, concerning some quality of the other partner which by its very nature can gravely disturb the partnership of conjugal life.

Can. 1099 Error concerning the unity or indissolubility or sacramental dignity of marriage does not vitiate matrimonial consent provided that it does not determine the will.

Can. 1100 The knowledge or opinion of the nullity of a marriage does not necessarily exclude matrimonial consent.

Can. 1101 §1. The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage.

§2. If, however, either or both of the parties by a positive act of the will exclude marriage itself, some essential element of marriage, or some essential property of marriage, the party contracts invalidly.

Can. 1102 §1. A marriage subject to a condition about the future cannot be contracted validly.

§2. A marriage entered into subject to a condition about the past or the present is valid or not insofar as that which is subject to the condition exists or not.

§3. The condition mentioned in §2, however, cannot be placed licitly without the written permission of the local ordinary.

Can. 1103 A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from it.

Can. 1104 §1. To contract a marriage validly the contracting parties must be present together, either in person or by proxy.

§2. Those being married are to express matrimonial consent in words or, if they cannot speak, through equivalent signs.

Can. 1105 §1. To enter into a marriage validly by proxy it is required that:

1/ there is a special mandate to contract with a specific person;

2/ the proxy is designated by the one mandating and fulfills this function personally.

§2. To be valid the mandate must be signed by the one mandating and by the pastor or ordinary of the place where the mandate is given, or by a priest delegated by either of them, or at least by two witnesses, or it must be made by means of a document which is authentic according to the norm of civil law.

§3. If the one mandating cannot write, this is to be noted in the mandate itself and another witness is to be added who also signs the document; otherwise, the mandate is invalid.

§4. If the one mandating revokes the mandate or develops amentia before the proxy contracts in his or her name, the marriage is invalid even if the proxy or the other contracting party does not know this.

Can. 1106 A marriage can be contracted through an interpreter; the pastor is not to assist at it, however, unless he is certain of the trustworthiness of the interpreter.

Can. 1107 Even if a marriage was entered into invalidly by reason of an impediment or a defect of form, the consent given is presumed to persist until its revocation is established.

CHAPTER V. THE FORM OF THE CELEBRATION OF MARRIAGE

Can. 1108 §1. Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses according to the rules expressed in the

following canons and without prejudice to the exceptions mentioned in cann. ⇒ 144, ⇒ 1112, §1, ⇒ 1116, and ⇒ 1127, §§1-2.

§2. The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of the consent of the contracting parties, and receives it in the name of the Church.

Can. 1109 Unless the local ordinary and pastor have been excommunicated, interdicted, or suspended from office or declared such through a sentence or decree, by virtue of their office and within the confines of their territory they assist validly at the marriages not only of their subjects but also of those who are not their subjects provided that one of them is of the Latin rite.

Can. 1110 By virtue of office, a personal ordinary and a personal pastor assist validly only at marriages where at least one of the parties is a subject within the confines of their jurisdiction.

Can. 1111 §1. As long as they hold office validly, the local ordinary and the pastor can delegate to priests and deacons the faculty, even a general one, of assisting at marriages within the limits of their territory.

§2. To be valid, the delegation of the faculty to assist at marriages must be given to specific persons expressly.

If it concerns special delegation, it must be given for a specific marriage; if it concerns general delegation, it must be given in writing.

Can. 1112 §1. Where there is a lack of priests and deacons, the diocesan bishop can delegate lay persons to assist at marriages, with the previous favorable vote of the conference of bishops and after he has obtained the permission of the Holy See.

§2. A suitable lay person is to be selected, who is capable of giving instruction to those preparing to be married and able to perform the matrimonial liturgy properly.

Can. 1113 Before special delegation is granted, all those things which the law has established to prove free status are to be fulfilled.

Can. 1114 The person assisting at marriage acts illicitly unless the person has made certain of the free status of the contracting parties according to the norm of law and, if possible, of the permission of the pastor whenever the person assists in virtue of general delegation.

Can. 1115 Marriages are to be celebrated in a parish where either of the contracting parties has a domicile, quasidomicile, or month long residence or, if it concerns transients, in the parish where they actually reside. With the permission of the proper ordinary or proper pastor, marriages can be celebrated elsewhere.

Can. 1116 §1. If a person competent to assist according to the norm of law cannot be present or approached without grave inconvenience, those who intend to enter into a true marriage can contract it validly and licitly before witnesses only:

1/ in danger of death;

2/ outside the danger of death provided that it is prudently foreseen that the situation will continue for a month.

§2. In either case, if some other priest or deacon who can be present is available, he must be called and be present at the celebration of the marriage together with the witnesses, without prejudice to the validity of the marriage before witnesses only.

Can. 1117 The form established above must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it and has not defected from it by a formal act, without prejudice to the prescripts of ⇒ can. 1127, §2.

Can. 1118 §1. A marriage between Catholics or between a Catholic party and a non-Catholic baptized party is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor.

§2. The local ordinary can permit a marriage to be celebrated in another suitable place.

§3. A marriage between a Catholic party and a non-baptized party can be celebrated in a church or in another suitable place.

Can. 1119 Outside the case of necessity, the rites prescribed in the liturgical books approved by the Church or received by legitimate customs are to be observed in the celebration of a marriage.

Can. 1120 The conference of bishops can produce its own rite of marriage, to be reviewed by the Holy See, in keeping with the usages of places and peoples which are adapted to the Christian spirit; nevertheless, the law remains in effect that the person who assists at the marriage is present, asks for the manifestation of consent of the contracting parties, and receives it.

Can. 1121 §1. After a marriage has been celebrated, the pastor of the place of the celebration or the person who takes his place, even if neither assisted at the marriage, is to note as soon as possible in the marriage register the names of the spouses, the person who assisted, and the witnesses, and the place and date of the celebration of the marriage according to the method prescribed by the conference of bishops or the diocesan bishop.

§2. Whenever a marriage is contracted according to the norm of ⇒ can. 1116, a priest or deacon, if he was present at the celebration, or otherwise the witnesses in solidum with the contracting parties are bound to inform as soon as possible the pastor or local ordinary about the marriage entered into.

§3. For a marriage contracted with a dispensation from canonical form, the local ordinary who granted the dispensation is to take care that the dispensation and celebration are inscribed in the marriage registers of both the curia and the proper parish of the Catholic party whose pastor conducted the investigation about the free status. The Catholic spouse is bound to notify as soon as possible the same ordinary and pastor about the marriage celebrated and also to indicate the place of the celebration and the public form observed.

Can. 1122 §1. The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded.

§2. If a spouse did not contract marriage in the parish in which the person was baptized, the pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism.

Can. 1123 Whenever a marriage is either convalidated in the external forum, declared null, or legitimately dissolved other than by death, the pastor of the place of the celebration of the marriage must be informed so that a notation is properly made in the marriage and baptismal registers.

CHAPTER VI. MIXED MARRIAGES

Can. 1124 Without express permission of the competent authority, a marriage is prohibited between two baptized persons of whom one is baptized in the Catholic Church or received into it after baptism and has not defected from it by a formal act and the other of whom is enrolled in a Church or ecclesial community not in full communion with the Catholic Church.

Can. 1125 The local ordinary can grant a permission of this kind if there is a just and reasonable cause. He is not to grant it unless the following conditions have been fulfilled:

1/ the Catholic party is to declare that he or she is prepared to remove dangers of defecting from the faith and is to make a sincere promise to do all in his or her power so that all offspring are baptized and brought up in the Catholic Church;

2/ the other party is to be informed at an appropriate time about the promises which the Catholic party is to make, in such a way that it is certain that he or she is truly aware of the promise and obligation of the Catholic party;

3/ both parties are to be instructed about the purposes and essential properties of marriage which neither of the contracting parties is to exclude.

Can. 1126 It is for the conference of bishops to establish the method in which these declarations and promises, which are always required, must be made and to define the manner in which they are to be established in the external forum and the non-Catholic party informed about them.

Can. 1127 §1. The prescripts of ⇒ can. 1108 are to be observed for the form to be used in a mixed marriage.

Nevertheless, if a Catholic party contracts marriage with a non-Catholic party of an Eastern rite, the canonical form of the celebration must be observed for liceity only; for validity, however, the presence of a sacred minister is required and the other requirements of law are to be observed.

§2. If grave diYculties hinder the observance of canonical form, the local ordinary of the Catholic party has the right of dispensing from the form in individual cases, after having consulted the ordinary of the place in which the marriage is celebrated and with some public form of celebration for validity. It is for the conference of bishops to establish norms by which the aforementioned dispensation is to be granted in a uniform manner.

§3. It is forbidden to have another religious celebration of the same marriage to give or renew matrimonial consent before or after the canonical celebration according to the norm of §1. Likewise, there is not to be a religious celebration in which the Catholic who is assisting and a non-Catholic minister together, using their own rites, ask for the consent of the parties.

Can. 1128 Local ordinaries and other pastors of souls are to take care that the Catholic spouse and the children born of a mixed marriage do not lack the spiritual help to fulfill their obligations and are to help spouses foster the unity of conjugal and family life.

Can. 1129 The prescripts of cann. ⇒ 1127 and ⇒ 1128 must be applied also to marriages which the impediment of disparity of cult mentioned in ⇒ can. 1086, §1 impedes.

CHAPTER VII. MARRIAGE CELEBRATED SECRETLY

Can. 1130 For a grave and urgent cause, the local ordinary can permit a marriage to be celebrated secretly.

Can. 1131 Permission to celebrate a marriage secretly entails the following:

1/ the investigations which must be conducted before the marriage are done secretly;

2/ the local ordinary, the one assisting, the witnesses, and the spouses observe secrecy about the marriage celebrated.

Can. 1132 The obligation of observing the secrecy mentioned in ⇒ can. 1131, n. 2 ceases on the part of the local ordinary if grave scandal or grave harm to the holiness of marriage is imminent due to the observance of the secret; this is to be made known to the parties before the celebration of the marriage.

Can. 1133 A marriage celebrated secretly is to be noted only in a special register to be kept in the secret archive of the curia.

CHAPTER VIII. THE EFFECTS OF MARRIAGE

Can. 1134 From a valid marriage there arises between the spouses a bond which by its nature is perpetual and exclusive. Moreover, a special sacrament strengthens and, as it were, consecrates the spouses in a Christian marriage for the duties and dignity of their state.

Can. 1135 Each spouse has an equal duty and right to those things which belong to the partnership of conjugal life.

Can. 1136 Parents have the most grave duty and the primary right to take care as best they can for the physical, social, cultural, moral, and religious education of their offspring.

Can. 1137 The children conceived or born of a valid or putative marriage are legitimate.

Can. 1138 §1. The father is he whom a lawful marriage indicates unless clear evidence proves the contrary.

§2. Children born at least 180 days after the day when the marriage was celebrated or within 300 days from the day of the dissolution of conjugal life are presumed to be legitimate.

Can. 1139 Illegitimate children are legitimated by the subsequent valid or putative marriage of their parents or by a rescript of the Holy See.

Can. 1140 As regards canonical effects, legitimated children are equal in all things to legitimate ones unless the law has expressly provided otherwise.

CHAPTER IX. THE SEPARATION OF SPOUSES

Art. 1. DISSOLUTION OF THE BOND

Can. 1141 A marriage that is ratum et consummatum can be dissolved by no human power and by no cause, except death.

Can. 1142 For a just cause, the Roman Pontiff can dissolve a non-consummated marriage between baptized persons or between a baptized party and a non-baptized party at the request of both parties or of one of them, even if the other party is unwilling.

Can. 1143 §1. A marriage entered into by two non-baptized persons is dissolved by means of the pauline privilege in favor of the faith of the party who has received baptism by the very fact that a new marriage is contracted by the same party, provided that the non-baptized party departs.

§2. The non-baptized party is considered to depart if he or she does not wish to cohabit with the baptized party or to cohabit peacefully without aVront to the Creator unless the baptized party, after baptism was received, has given the other a just cause for departing.

Can. 1144 §1. For the baptized party to contract a new marriage validly, the non-baptized party must always be interrogated whether:

1/ he or she also wishes to receive baptism;

2/ he or she at least wishes to cohabit peacefully with the baptized party without aVront to the Creator.

§2. This interrogation must be done after baptism. For a grave cause, however, the local ordinary can permit the interrogation to be done before baptism or can even dispense from the interrogation either before or after baptism provided that it is evident at least by a summary and extrajudicial process that it cannot be done or would be useless.

Can. 1145 §1. The interrogation is regularly to be done on the authority of the local ordinary of the converted party.

This ordinary must grant the other spouse a period of time to respond if the spouse seeks it, after having been advised, however, that his or her silence will be considered a negative response if the period passes without effect.

§2. Even an interrogation made privately by the converted party is valid and indeed licit if the form prescribed above cannot be observed.

§3. In either case, the fact that the interrogation was done and its outcome must be established legitimately in the external forum.

Can. 1146 The baptized party has the right to contract a new marriage with a Catholic party:

1/ if the other party responded negatively to the interrogation or if the interrogation had been omitted legitimately;

2/ if the non-baptized party, already interrogated or not, at first persevered in peaceful cohabitation without aVront to the Creator but then departed without a just cause, without prejudice to the prescripts of cann. ⇒ 1144 and ⇒ 1145.

Can. 1147 For a grave cause, however, the local ordinary can allow a baptized party who uses the pauline privilege to contract marriage with a non-Catholic party, whether baptized or not baptized; the prescripts of the canons about mixed marriages are also to be observed.

Can. 1148 §1. When he receives baptism in the Catholic Church, a non-baptized man who has several non-baptized wives at the same time can retain one of them after the others have been dismissed, if it is hard for him

to remain with the first one. The same is valid for a non-baptized woman who has several non-baptized husbands at the same time.

§2. In the cases mentioned in §1, marriage must be contracted in legitimate form after baptism has been received, and the prescripts about mixed marriages, if necessary, and other matters required by the law are to be observed.

§3. Keeping in mind the moral, social, and economic conditions of places and of persons, the local ordinary is to take care that the needs of the first wife and the others dismissed are sufficiently provided for according to the norms of justice, Christian charity, and natural equity.

Can. 1149 A non-baptized person who, after having received baptism in the Catholic Church, cannot restore cohabitation with a non-baptized spouse by reason of captivity or persecution can contract another marriage even if the other party has received baptism in the meantime, without prejudice to the prescript of ⇒ can. 1141.

Can. 1150 In a doubtful matter the privilege of faith possesses the favor of the law.

Art. 2. SEPARATION WITH THE BOND REMAINING

Can. 1151 Spouses have the duty and right to preserve conjugal living unless a legitimate cause excuses them.

Can. 1152 §1. Although it is earnestly recommended that a spouse, moved by Christian charity and concerned for the good of the family, not refuse forgiveness to an adulterous partner and not disrupt conjugal life, nevertheless, if the spouse did not condone the fault of the other expressly or tacitly, the spouse has the right to sever conjugal living unless the spouse consented to the adultery, gave cause for it, or also committed adultery.

§2. Tacit condonation exists if the innocent spouse has had marital relations voluntarily with the other spouse after having become certain of the adultery. It is presumed, moreover, if the spouse observed conjugal living

for six months and did not make recourse to the ecclesiastical or civil authority.

§3. If the innocent spouse has severed conjugal living voluntarily, the spouse is to introduce a cause for separation within six months to the competent ecclesiastical authority which, after having investigated all the circumstances, is to consider carefully whether the innocent spouse can be moved to forgive the fault and not to prolong the separation permanently.

Can. 1153 §1. If either of the spouses causes grave mental or physical danger to the other spouse or to the offspring or otherwise renders common life too diYcult, that spouse gives the other a legitimate cause for leaving, either by decree of the local ordinary or even on his or her own authority if there is danger in delay.

§2. In all cases, when the cause for the separation ceases, conjugal living must be restored unless ecclesiastical authority has established otherwise.

Can. 1154 After the separation of the spouses has taken place, the adequate support and education of the children must always be suitably provided.

Can. 1155 The innocent spouse laudably can readmit the other spouse to conjugal life; in this case the innocent spouse renounces the right to separate.

CHAPTER X. THE CONVALIDATION OF MARRIAGE

Art. 1. SIMPLE CONVALIDATION

Can. 1156 §1. To convalidate a marriage which is invalid because of a diriment impediment, it is required that the impediment ceases or is dispensed and that at least the party conscious of the impediment renews consent.

§2. Ecclesiastical law requires this renewal for the validity of the convalidation even if each party gave consent at the beginning and did not revoke it afterwards.

Can. 1157 The renewal of consent must be a new act of the will concerning a marriage which the renewing party knows or thinks was null from the beginning.

Can. 1158 §1. If the impediment is public, both parties must renew the consent in canonical form, without prejudice to the prescript of ⇒ can. 1127, §2.

§2. If the impediment cannot be proven, it is sufficient that the party conscious of the impediment renews the consent privately and in secret, provided that the other perseveres in the consent offered; if the impediment is known to both parties, both are to renew the consent.

Can. 1159 §1. A marriage which is invalid because of a defect of consent is convalidated if the party who did not consent now consents, provided that the consent given by the other party perseveres.

§2. If the defect of consent cannot be proven, it is sufficient that the party who did not consent gives consent privately and in secret.

§3. If the defect of consent can be proven, the consent must be given in canonical form.

Can. 1160 A marriage which is null because of defect of form must be contracted anew in canonical form in order to become valid, without prejudice to the prescript of ⇒ can. 1127, §2.

Art. 2. RADICAL SANATION

Can. 1161 §1. The radical sanation of an invalid marriage is its convalidation without the renewal of consent, which is granted by competent authority and entails the dispensation from an impediment, if there is one, and from canonical form, if it was not observed, and the retroactivity of canonical effects.

§2. Convalidation occurs at the moment of the granting of the favor. Retroactivity, however, is understood to extend to the moment of the celebration of the marriage unless other provision is expressly made.

§3. A radical sanation is not to be granted unless it is probable that the parties wish to persevere in conjugal life.

Can. 1162 §1. A marriage cannot be radically sanated if consent is lacking in either or both of the parties, whether the consent was lacking from the beginning or, though present in the beginning, was revoked afterwards.

§2. If this consent was indeed lacking from the beginning but was given afterwards, the sanation can be granted from the moment the consent was given.

Can. 1163 §1. A marriage which is invalid because of an impediment or a defect of legitimate form can be sanated provided that the consent of each party perseveres.

§2. A marriage which is invalid because of an impediment of natural law or of divine positive law can be sanated only after the impediment has ceased.

Can. 1164 A sanation can be granted validly even if either or both of the parties do not know of it; nevertheless, it is not to be granted except for a grave cause.

Can. 1165 §1. The Apostolic See can grant a radical sanation.

§2. The diocesan bishop can grant a radical sanation in individual cases even if there are several reasons for nullity in the same marriage, after the conditions mentioned in ⇒ can. 1125 for the sanation of a mixed marriage have been ful-filled. He cannot grant one, however, if there is an impediment whose dispensation is reserved to the Apostolic See according to the norm of ⇒ can. 1078, §2, or if it concerns an impediment of natural law or divine positive law which has now ceased.

PART II: THE OTHER ACTS OF DIVINE WORSHIP

TITLE I: SACRAMENTALS (Cann. 1166 - 1172)

Can. 1166 Sacramentals are sacred signs by which effects, especially spiritual effects, are signified in some imitation of the sacraments and are obtained through the intercession of the Church.

Can. 1167 §1. The Apostolic See alone can establish new sacramentals, authentically interpret those already received, or abolish or change any of them.

§2. In confecting or administering sacramentals, the rites and formulas approved by the authority of the Church are to be observed carefully.

Can. 1168 The minister of sacramentals is a cleric who has been provided with the requisite power. According to the norm of the liturgical books and to the judgment of the local ordinary lay persons who possess the appropriate qualities can also administer some sacramentals.

Can. 1169 §1. Those marked with the episcopal character and presbyters permitted by law or legitimate grant can perform consecrations and dedications validly.

§2. Any presbyter can impart blessings except those reserved to the Roman Pontiff or bishops.

§3. A deacon can impart only those blessings expressly permitted by law.

Can. 1170 Blessings, which are to be imparted first of all to Catholics, can also be given to catechumens and even to non-Catholics unless there is a prohibition of the Church to the contrary.

Can. 1171 Sacred objects, which are designated for divine worship by dedication or blessing, are to be treated reverently and are not to be employed for profane or inappropriate use even if they are owned by private persons.

Can. 1172 §1. No one can perform exorcisms legitimately upon the possessed unless he has obtained special and express permission from the local ordinary.

§2. The local ordinary is to give this permission only to a presbyter who has piety, knowledge, prudence, and integrity of life.

TITLE II. THE LITURGY OF THE HOURS (Cann. 1173 - 1175)

Can. 1173 Fulfilling the priestly function of Christ, the Church celebrates the liturgy of the hours. In the liturgy of the hours, the Church, hearing God speaking to his people and recalling the mystery of salvation, praises him without ceasing by song and prayer and intercedes for the salvation of the whole world.

Can. 1174 §1. Clerics are obliged to carry out the liturgy of the hours according to the norm of ⇒ can. 276, §2, n. 3; members of institutes of consecrated life and societies of apostolic life, however, are bound according to the norm of their constitutions.

§2. Other members of the Christian faithful, according to circumstances, are also earnestly invited to participate in the liturgy of the hours as an action of the Church.

Can. 1175 In carrying out the liturgy of the hours, the true time for each hour is to be observed insofar as possible.

TITLE III. ECCLESIASTICAL FUNERALS (Cann. 1176 - 1185)

Can. 1176 §1. Deceased members of the Christian faithful must be given ecclesiastical funerals according to the norm of law.

§2. Ecclesiastical funerals, by which the Church seeks spiritual support for the deceased, honors their bodies, and at the same time brings the solace of hope to the living, must be celebrated according to the norm of the liturgical laws.

§3. The Church earnestly recommends that the pious custom of burying the bodies of the deceased be observed; nevertheless, the Church does not

prohibit cremation unless it was chosen for reasons contrary to Christian doctrine.

CHAPTER I. THE CELEBRATION OF FUNERALS

Can. 1177 §1. A funeral for any deceased member of the faithful must generally be celebrated in his or her parish church.

§2. Any member of the faithful or those competent to take care of the funeral of a deceased member of the faithful are permitted to choose another church for the funeral rite with the consent of the person who governs it and after no-tification of the proper pastor of the deceased.

§3. If a death occurred outside the person's own parish, and the body was not transferred to it nor another church legitimately chosen for the funeral rite, the funeral is to be celebrated in the church of the parish where the death occurred unless particular law has designated another church.

Can. 1178 The funeral of a diocesan bishop is to be celebrated in his own cathedral church unless he has chosen another church.

Can. 1179 The funerals of religious or members of a society of apostolic life are generally to be celebrated in their own church or oratory by the superior if the institute or society is clerical; otherwise by the chaplain.

Can. 1180 §1. If a parish has its own cemetery, the deceased members of the faithful must be buried in it unless the deceased or those competent to take care of the burial of the deceased have chosen another cemetery legitimately.§2. Everyone, however, is permitted to choose the cemetery of burial unless prohibited by law.

Can. 1181 Regarding offerings on the occasion of funeral rites, the prescripts of ⇒ can. 1264 are to be observed, with the caution, however, that there is to be no favoritism toward persons in funerals and that the poor are not deprived of fitting funerals.

Can. 1182 When the burial has been completed, a record is to be made in the register of deaths according to the norm of particular law.

CHAPTER II. THOSE TO WHOM ECCLESIASTICAL FUNERALS MUST BE GRANTED OR DENIED

Can. 1183 §1. When it concerns funerals, catechumens must be counted among the Christian faithful.

§2. The local ordinary can permit children whom the parents intended to baptize but who died before baptism to be given ecclesiastical funerals.

§3. In the prudent judgment of the local ordinary, ecclesiastical funerals can be granted to baptized persons who are enrolled in a non-Catholic Church or ecclesial community unless their intention is evidently to the contrary and provided that their own minister is not available.

Can. 1184 §1. Unless they gave some signs of repentance before death, the following must be deprived of ecclesiastical funerals:

1/ notorious apostates, heretics, and schismatics;

2/ those who chose the cremation of their bodies for reasons contrary to Christian faith;

3/ other manifest sinners who cannot be granted ecclesiastical funerals without public scandal of the faithful.

§2. If any doubt occurs, the local ordinary is to be consulted, and his judgment must be followed.

Can. 1185 Any funeral Mass must also be denied a person who is excluded from ecclesiastical funerals.

TITLE IV. THE VENERATION OF THE SAINTS, SACRED IMAGES, AND RELICS (Cann. 1186 - 1190)

Can. 1186 To foster the sanctification of the people of God, the Church commends to the special and filial reverence of the Christian faithful the Blessed Mary ever Virgin, Mother of God, whom Christ established as the mother of all people, and promotes the true and authentic veneration of the other saints whose example instructs the Christian faithful and whose intercession sustains them.

Can. 1187 It is permitted to reverence through public veneration only those servants of God whom the authority of the Church has recorded in the list of the saints or the blessed.

Can. 1188 The practice of displaying sacred images in churches for the reverence of the faithful is to remain in effect. Nevertheless, they are to be exhibited in moderate number and in suitable order so that the Christian people are not confused nor occasion given for inappropriate devotion.

Can. 1189 If they are in need of repair, precious images, that is, those distinguished by age, art, or veneration, which are exhibited in churches or oratories for the reverence of the faithful are never to be restored without the written permission of the ordinary; he is to consult experts before he grants permission.

Can. 1190 §1. It is absolutely forbidden to sell sacred relics.

§2. Relics of great significance and other relics honored with great reverence by the people cannot be alienated validly in any manner or transferred permanently without the permission of the Apostolic See.

§3. The prescript of §2 is valid also for images which are honored in some church with great reverence by the people.

TITLE V. A VOW AND AN OATH (Cann. 1191 - 1204)

CHAPTER I. A VOW

Can. 1191 §1. A vow, that is, a deliberate and free promise made to God about a possible and better good, must be fulfilled by reason of the virtue of religion.

§2. Unless they are prohibited by law, all who possess suitable use of reason are capable of making a vow.

§3. A vow made out of grave and unjust fear or malice is null by the law itself.

Can. 1192 §1. A vow is public if a legitimate superior accepts it in the name of the Church; otherwise, it is private.

§2. A vow is solemn if the Church has recognized it as such; otherwise, it is simple.

§3. A vow is personal if the person making the vow promises an action; real if the person making the vow promises some thing; mixed if it shares the nature of a personal and a real vow.

Can. 1193 By its nature a vow obliges only the person who makes it.

Can. 1194 A vow ceases by the lapse of the time designated to fulfill the obligation, by a substantial change of the matter promised, by the absence of a condition on which the vow depends, by the absence of the purpose of the vow, by dispensation, or by commutation.

Can. 1195 The person who has power over the matter of the vow can suspend the obligation of the vow for as long a time as the fulfillment of the vow brings disadvantage to that person.

Can. 1196 In addition to the Roman Pontiff, the following can dispense from private vows for a just cause provided that a dispensation does not injure a right acquired by others:

1/ the local ordinary and the pastor with regard to all their subjects and even travelers;

2/ the superior of a religious institute or society of apostolic life if it is clerical and of pontifical right with regard to members, novices, and persons who live day and night in a house of the institute or society;

3/ those to whom the Apostolic See or the local ordinary has delegated the power of dispensing.

Can. 1197 The person who makes a private vow can commute the work promised by the vow into a better or equal good; however, one who has the

power of dispensing according to the norm of ⇒ can. 1196 can commute it into a lesser good.

Can. 1198 Vows made before religious profession are suspended while the person who made the vow remains in the religious institute.

CHAPTER II. AN OATH

Can. 1199 §1. An oath, that is, the invocation of the divine name in witness to the truth, cannot be taken unless in truth, in judgment, and in justice.

§2. An oath which the canons require or permit cannot be taken validly through a proxy.

Can. 1200 §1. A person who freely swears to do something is bound by a special obligation of religion to fulfill what he or she aYrmed by oath.

§2. An oath extorted by malice, force, or grave fear is null by the law itself.

Can. 1201 §1. A promissory oath follows the nature and conditions of the act to which it is attached.

§2. If an oath is added to an act which directly tends toward the harm of others or toward the disadvantage of the public good or of eternal salvation, then the act is not reinforced by the oath.

Can. 1202 The obligation arising from a promissory oath ceases:

1/ if it is remitted by the person for whose benefit the oath was made;

2/ if the matter sworn to is substantially changed or if, after the circumstances have changed, it becomes either evil or entirely indif-ferent or, finally, impedes a greater good;

3/ if the purpose or a condition under which the oath may have been taken ceases;

4/ by dispensation or commutation, according to the norm of ⇒ can. 1203.

Can. 1203 Those who can suspend, dispense, or commute a vow have the same power in the same manner over a promissory oath; but if the dispensation from the oath tends to the disadvantage of others who refuse to remit the obligation of the oath, only the Apostolic See can dispense the oath.

Can. 1204 An oath must be interpreted strictly according to the law and according to the intention of the person taking the oath or, if that person acts out of malice, according to the intention of the person to whom the oath is made.

PART III: SACRED PLACES AND TIMES

TITLE I: SACRED PLACES (Cann. 1205 - 1243)

Can. 1205 Sacred places are those which are designated for divine worship or for the burial of the faithful by a dedication or a blessing which the liturgical books prescribe for this purpose.

Can. 1206 The dedication of any place belongs to the diocesan bishop and to those equivalent to him by law; they can entrust the function of carrying out a dedication in their territory to any bishop or, in exceptional cases, to a presbyter.

Can. 1207 Sacred places are blessed by the ordinary; the blessing of churches, however, is reserved to the diocesan bishop. Either of them, moreover, can delegate another priest for this purpose.

Can. 1208 When the dedication or blessing of a church or the blessing of a cemetery has been completed, a document is to be drawn up, one copy of which is to be kept in the diocesan curia and another in the archive of the church.

Can. 1209 The dedication or blessing of any place is sufficiently proven by one witness who is above suspicion, provided that no harm is done to anyone.

Can. 1210 Only those things which serve the exercise or promotion of worship, piety, or religion are permitted in a sacred place; anything not consonant with the holiness of the place is forbidden. In an individual case, however, the ordinary can permit other uses which are not contrary to the holiness of the place.

Can. 1211 Sacred places are violated by gravely injurious actions done in them with scandal to the faithful, actions which, in the judgment of the local ordinary, are so grave and contrary to the holiness of the place that it is not permitted to carry on worship in them until the damage is repaired by a penitential rite according to the norm of the liturgical books.

Can. 1212 Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact.

Can. 1213 The ecclesiastical authority freely exercises its powers and functions in sacred places.

CHAPTER I. CHURCHES

Can. 1214 By the term church is understood a sacred building designated for divine worship to which the faithful have the right of entry for the exercise, especially the public exercise, of divine worship.

Can. 1215 §1. No church is to be built without the express written consent of the diocesan bishop.

§2. The diocesan bishop is not to give consent unless, after having heard the presbyteral council and the rectors of the neighboring churches, he judges that the new church can serve the good of souls and that the means necessary for building the church and for divine worship will not be lacking.

§3. Although religious institutes have received from the diocesan bishop consent to establish a new house in the diocese or the city, they must also obtain his permission before building a church in a certain and determined place.

Can. 1216 In the building and repair of churches, the principles and norms of the liturgy and of sacred art are to be observed, after the advice of experts has been taken into account.

Can. 1217 §1. After construction has been completed properly, a new church is to be dedicated or at least blessed as soon as possible; the laws of the sacred liturgy are to be observed.

§2. Churches, especially cathedrals and parish churches, are to be dedicated by the solemn rite.

Can. 1218 Each church is to have its own title which cannot be changed after the church has been dedicated.

Can. 1219 In a church that has legitimately been dedicated or blessed, all acts of divine worship can be performed, without prejudice to parochial rights.

Can. 1220 §1. All those responsible are to take care that in churches such cleanliness and beauty are preserved as befit a house of God and that whatever is inappropriate to the holiness of the place is excluded.

§2. Ordinary care for preservation and fitting means of security are to be used to protect sacred and precious goods.

Can. 1221 Entry to a church is to be free and gratuitous during the time of sacred celebrations.

Can. 1222 §1. If a church cannot be used in any way for divine worship and there is no possibility of repairing it, the diocesan bishop can relegate it to profane but not sordid use.

§2. Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suVers no detriment thereby.

CHAPTER II. ORATORIES AND PRIVATE CHAPELS

Can. 1223 By the term oratory is understood a place for divine worship designated by permission of the ordinary for the benefit of some community or group of the faithful who gather in it and to which other members of the faithful can also come with the consent of the competent superior.

Can. 1224 §1. The ordinary is not to grant the permission required to establish an oratory unless he has first visited the place destined for the oratory personally or through another and has found it properly prepared.

§2. After permission has been given, however, an oratory cannot be converted to profane use without the authority of the same ordinary.

Can. 1225 All sacred celebrations can be performed in legitimately established oratories except those which the law or a prescript of the local ordinary excludes or the liturgical norms prohibit.

Can. 1226 By the term private chapel is understood a place for divine worship designated by permission of the local ordinary for the benefit of one or more physical persons.

Can. 1227 Bishops can establish a private chapel for themselves which possesses the same rights as an oratory.

Can. 1228 Without prejudice to the prescript of ⇒ can. 1227, the permission of the local ordinary is required for Mass or other sacred celebrations to take place in any private chapel.

Can. 1229 It is fitting for oratories and private chapels to be blessed according to the rite prescribed in the liturgical books. They must, however, be reserved for divine worship alone and free from all domestic uses.

CHAPTER III. SHRINES

Can. 1230 By the term shrine is understood a church or other sacred place to which numerous members of the faithful make pilgrimage for a special reason of piety, with the approval of the local ordinary.

Can. 1231 For a shrine to be called a national shrine, the conference of bishops must give its approval; for it to be called an international shrine, the approval of the Holy See is required.

Can. 1232 §1. The local ordinary is competent to approve the statutes of a diocesan shrine; the conference of bishops for the statutes of a national shrine; the Holy See alone for the statutes of an international shrine.

§2. The statutes are to determine especially the purpose, the authority of the rector, and the ownership and administration of goods.

Can. 1233 Certain privileges can be granted to shrines whenever local circumstances, the large number of pilgrims, and especially the good of the faithful seem to suggest it.

Can. 1234 §1. At shrines the means of salvation are to be supplied more abundantly to the faithful by the diligent proclamation of the word of God, the suitable promotion of liturgical life especially through the celebration of the Eucharist and of penance, and the cultivation of approved forms of popular piety.

§2. Votive offerings of popular art and piety are to be kept on display in the shrines or nearby places and guarded securely.

CHAPTER IV. ALTARS

Can. 1235 §1. An altar, or a table upon which the eucharistic sacrifice is celebrated, is called fixed if it is so constructed that it adheres to the floor and thus cannot be moved; it is called movable if it can be removed.

§2. It is desirable to have a fixed altar in every church, but a fixed or a movable altar in other places designated for sacred celebrations.

Can. 1236 §1. According to the traditional practice of the Church, the table of a fixed altar is to be of stone, and indeed of a single natural stone. Nevertheless, another worthy and solid material can also be used in the judgment of the conference of bishops. The supports or base, however, can be made of any material.

§2. A movable altar can be constructed of any solid material suitable for liturgical use.

Can. 1237 §1. Fixed altars must be dedicated, and movable altars must be dedicated or blessed, according to the rites prescribed in the liturgical books.

§2. The ancient tradition of placing relics of martyrs or other saints under a fixed altar is to be preserved, according to the norms given in the liturgical books.

Can. 1238 §1. An altar loses its dedication or blessing according to the norm of ⇒ can. 1212.

§2. Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.

Can. 1239 §1. An altar, whether fixed or movable, must be reserved for divine worship alone, to the absolute exclusion of any profane use.

§2. A body is not to be buried beneath an altar; otherwise, it is not permitted to celebrate Mass on the altar.

CHAPTER V. CEMETERIES

Can. 1240 §1. Where possible, the Church is to have its own cemeteries or at least areas in civil cemeteries that are designated for the deceased members of the faithful and properly blessed.

§2. If this cannot be achieved, however, then individual graves are to be properly blessed.

Can. 1241 §1. Parishes and religious institutes can have their own cemetery.

§2. Other juridic persons or families can also have a special cemetery or tomb, to be blessed according to the judgment of the local ordinary.

Can. 1242 Bodies are not to be buried in churches unless it is a question of burying in their own church the Roman Pontiff, cardinals, or diocesan bishops, including retired ones.

Can. 1243 Particular law is to establish appropriate norms about the discipline to be observed in cemeteries, especially with regard to protecting and fostering their sacred character.

TITLE II. SACRED TIMES (Cann. 1244 - 1258)

Can. 1244 §1. It is only for the supreme ecclesiastical authority to establish, transfer, and suppress feast days and days of penance common to the universal Church, without prejudice to the prescript of ⇒ can. 1246, §2.

§2. Diocesan bishops can decree special feast days or days of penance for their dioceses or places, but only in individual instances.

Can. 1245 Without prejudice to the right of diocesan bishops mentioned in ⇒ can. 87, for a just cause and according to the prescripts of the diocesan bishop, a pastor can grant in individual cases a dispensation from the obligation of observing a feast day or a day of penance or can grant a commutation of the obligation into other pious works. A superior of a religious institute or society of apostolic life, if they are clerical and of pontifical right, can also do this in regard to his own subjects and others living in the house day and night.

CHAPTER I. Feast Days

Can. 1246 §1. Sunday, on which by apostolic tradition the paschal mystery is celebrated, must be observed in the universal Church as the primordial holy day of obligation. The following days must also be observed: the Nativity of our Lord Jesus Christ, the Epiphany, the Ascension, the Body and Blood of Christ, Holy Mary the Mother of God, her Immaculate Conception, her Assumption, Saint Joseph, Saint Peter and Saint Paul the Apostles, and All Saints.

§2. With the prior approval of the Apostolic See, however, the conference of bishops can suppress some of the holy days of obligation or transfer them to a Sunday.

Can. 1247 On Sundays and other holy days of obligation, the faithful are obliged to participate in the Mass.

Moreover, they are to abstain from those works and aVairs which hinder the worship to be rendered to God, the joy proper to the Lord's day, or the suitable relaxation of mind and body.

Can. 1248 §1. A person who assists at a Mass celebrated anywhere in a Catholic rite either on the feast day itself or in the evening of the preceding day satisfies the obligation of participating in the Mass.

§2. If participation in the eucharistic celebration becomes impossible because of the absence of a sacred minister or for another grave cause, it is strongly recommended that the faithful take part in a liturgy of the word if such a liturgy is celebrated in a parish church or other sacred place according to the prescripts of the diocesan bishop or that they devote themselves to prayer for a suitable time alone, as a family, or, as the occasion permits, in groups of families.

CHAPTER II. Days of Penance

Can. 1249 The divine law binds all the Christian faithful to do penance each in his or her own way. In order for all to be united among themselves by some common observance of penance, however, penitential days are prescribed on which the Christian faithful devote themselves in a special way to prayer, perform works of piety and charity, and deny themselves by fulfilling their own obligations more faithfully and especially by observing fast and abstinence, according to the norm of the following canons.

Can. 1250 The penitential days and times in the universal Church are every Friday of the whole year and the season of Lent.

Can. 1251 Abstinence from meat, or from some other food as determined by the Episcopal Conference, is to be observed on all Fridays, unless a solemnity should fall on a Friday. Abstinence and fasting are to be observed on Ash Wednesday and Good Friday.

Can. 1252 The law of abstinence binds those who have completed their fourteenth year. The law of fasting binds those who have attained their majority, until the beginning of their sixtieth year. Pastors of souls and parents are to ensure that even those who by reason of their age are not bound by the law of fasting and abstinence, are taught the true meaning of penance.

Can. 1253 The conference of bishops can determine more precisely the observance of fast and abstinence as well as substitute other forms of penance, especially works of charity and exercises of piety, in whole or in part, for abstinence and fast.

BOOK V. THE TEMPORAL GOODS OF THE CHURCH LIBER V. DE BONIS ECCLESIAE TEMPORALIBUS

Can. 1254 §1. To pursue its proper purposes, the Catholic Church by innate right is able to acquire, retain, administer, and alienate temporal goods independently from civil power.

§2. The proper purposes are principally: to order divine worship, to care for the decent support of the clergy and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy.

Can. 1255 The universal Church and the Apostolic See, the particular churches, as well as any other juridic person, public or private, are subjects capable of acquiring, retaining, administering, and alienating temporal goods according to the norm of law.

Can. 1256 Under the supreme authority of the Roman Pontiff, ownership of goods belongs to that juridic person which has acquired them legitimately.

Can. 1257 §1. All temporal goods which belong to the universal Church, the Apostolic See, or other public juridic persons in the Church are ecclesiastical goods and are governed by the following canons and their own statutes.

§2. The temporal goods of a private juridic person are governed by its own statutes but not by these canons unless other provision is expressly made.

Can. 1258 In the following canons, the term Church signifies not only the universal Church or the Apostolic See but also any public juridic person in the Church unless it is otherwise apparent from the context or the nature of the matter.

TITLE I. THE ACQUISITION OF GOODS (Cann. 1259 - 1272)

Can. 1259 The Church can acquire temporal goods by every just means of natural or positive law permitted to others.

Can. 1260 The Church has an innate right to require from the Christian faithful those things which are necessary for the purposes proper to it.

Can. 1261 §1. The Christian faithful are free to give temporal goods for the benefit of the Church.

§2. The diocesan bishop is bound to admonish the faithful of the obligation mentioned in ⇒ can. 222, §1 and in an appropriate manner to urge its observance.

Can. 1262 The faithful are to give support to the Church by responding to appeals and according to the norms issued by the conference of bishops.

Can. 1263 After the diocesan bishop has heard the finance council and the presbyteral council, he has the right to impose a moderate tax for the needs of the diocese upon public juridic persons subject to his governance; this tax is to be proportionate to their income. He is permitted only to impose an extraordinary and moderate exaction upon other physical and juridic persons in case of grave necessity and under the same conditions, without prejudice to particular laws and customs which attribute greater rights to him.

Can. 1264 Unless the law has provided otherwise, it is for a meeting of the bishops of a province:

1/ to fix the fees for acts of executive power granting a favor or for the execution of rescripts of the Apostolic See, to be approved by the Apostolic See itself;

2/ to set a limit on the offerings on the occasion of the administration of sacraments and sacramentals.

Can. 1265 §1. Without prejudice to the right of religious mendicants, any private person, whether physical or juridic, is forbidden to beg for alms for any pious or ecclesiastical institute or purpose without the written permission of that person's own ordinary and of the local ordinary.

§2. The conference of bishops can establish norms for begging for alms which all must observe, including those who by their foundation are called and are mendicants.

Can. 1266 In all churches and oratories which are, in fact, habitually open to the Christian faithful, including those which belong to religious institutes, the local ordinary can order the taking up of a special collection for specific parochial, diocesan, national, or universal projects; this collection must be diligently sent afterwards to the diocesan curia.

Can. 1267 §1. Unless the contrary is established, offerings given to superiors or administrators of any ecclesiastical juridic person, even a private one, are presumed given to the juridic person itself.

§2. The offerings mentioned in §1 cannot be refused except for a just cause and, in matters of greater importance if it concerns a public juridic person, with the permission of the ordinary; the permission of the same ordinary is required to accept offerings burdened by a modal obligation or condition, without prejudice to the prescript of ⇒ can. 1295.

§3. Offerings given by the faithful for a certain purpose can be applied only for that same purpose.

Can. 1268 The Church recognizes prescription as a means of acquiring temporal goods and freeing oneself from them, according to the norm of ⇒ cann. 197-199.

Can. 1269 If sacred objects are privately owned, private persons can acquire them through prescription, but it is not permitted to employ them for profane uses unless they have lost their dedication or blessing; if they belong to a public ecclesiastical juridic person, however, only another public ecclesiastical juridic person can acquire them.

Can. 1270 If they belong to the Apostolic See, immovable property, precious movable objects, and personal or real rights and actions are prescribed by a period of a hundred years; if they belong to another public ecclesiastical juridic person, they are prescribed by a period of thirty years.

Can. 1271 By reason of the bond of unity and charity and according to the resources of their dioceses, bishops are to assist in procuring those means which the Apostolic See needs, according to the conditions of the times, so that it is able to offer service properly to the universal Church.

Can. 1272 In regions where benefices properly so called still exist, it is for the conference of bishops, through appropriate norms agreed to and approved by the Apostolic See, to direct the governance of such benefices in such a way that the income and even, insofar as possible, the endowment itself of the benefices are gradually transferred to the institute mentioned in ⇒ can. 1274, §1.

TITLE II. THE ADMINISTRATION OF GOODS (Cann. 1273 - 1289)

Can. 1273 By virtue of his primacy of governance, the Roman Pontiff is the supreme administrator and steward of all ecclesiastical goods.

Can. 1274 §1. Each diocese is to have a special institute which is to collect goods or offerings for the purpose of providing, according to the norm of ⇒ can. 281, for the support of clerics who offer service for the benefit of the diocese, unless provision is made for them in another way.

§2. Where social provision for the benefit of clergy has not yet been suitably arranged, the conference of bishops is to take care that there is an institute which provides sufficiently for the social security of clerics.

§3. Insofar as necessary, each diocese is to establish a common fund through which bishops are able to satisfy obligations towards other persons who serve the Church and meet the various needs of the diocese and through which the richer dioceses can also assist the poorer ones.

§4. According to different local circumstances, the purposes mentioned in §§2 and 3 can be obtained more suitably through a federation of diocesan institutes, through a cooperative endeavor, or even through an appropriate association established for various dioceses or for the entire territory of the conference of bishops.

§5. If possible, these institutes are to be established in such a way that they also have recognition in civil law.

Can. 1275 An aggregate of goods which come from different dioceses is administered according to the norms appropriately agreed upon by the bishops concerned.

Can. 1276 §1. It is for the ordinary to exercise careful vigilance over the administration of all the goods which belong to public juridic persons subject to him, without prejudice to legitimate titles which attribute more significant rights to him.

§2. With due regard for rights, legitimate customs, and circumstances, ordinaries are to take care of the ordering of the entire matter of the administration of ecclesiastical goods by issuing special instructions within the limits of universal and particular law.

Can. 1277 The diocesan bishop must hear the finance council and college of consultors to place acts of administration which are more important in light of the economic condition of the diocese. In addition to the cases specially expressed in universal law or the charter of a foundation, however, he needs the consent of the finance council and of the college of consultors to place acts of extraordinary administration. It is for the conference of bishops to define which acts are to be considered of extraordinary administration.

Can. 1278 In addition to the functions mentioned in ⇒ can. 494, §§3 and 4, the diocesan bishop can entrust to the finance officer the functions mentioned in cann. ⇒ 1276, §1 and ⇒ 1279, §2.

Can. 1279 §1. The administration of ecclesiastical goods pertains to the one who immediately governs the person to which the goods belong unless particular law, statutes, or legitimate custom determine otherwise and without prejudice to the right of the ordinary to intervene in case of negligence by an administrator.

§2. In the administration of the goods of a public juridic person which does not have its own administrators by law, the charter of the foundation, or its own statutes, the ordinary to whom it is subject is to appoint suitable persons for three years; the same persons can be reappointed by the ordinary.

Can. 1280 Each juridic person is to have its own finance council or at least two counselors who, according to the norm of the statutes, are to assist the administrator in ful-filling his or her function.

Can. 1281 §1. Without prejudice to the prescripts of the statutes, administrators invalidly place acts which exceed the limits and manner of ordinary administration unless they have first obtained a written faculty from the ordinary.

§2. The statutes are to define the acts which exceed the limit and manner of ordinary administration; if the statutes are silent in this regard, however, the diocesan bishop is competent to determine such acts for the persons subject to him, after having heard the finance council.

§3. Unless and to the extent that it is to its own advantage, a juridic person is not bound to answer for acts invalidly placed by its administrators. A juridic person itself, however, will answer for acts illegitimately but validly placed by its administrators, without prejudice to its right of action or recourse against the administrators who have damaged it.

Can. 1282 All clerics or lay persons who take part in the administration of ecclesiastical goods by a legitimate title are bound to fulfill their functions in the name of the Church according to the norm of law.

Can. 1283 Before administrators begin their function:

1/ they must take an oath before the ordinary or his delegate that they will administer well and faithfully;

2/ they are to prepare and sign an accurate and clear inventory of immovable property, movable objects, whether precious or of some cultural

value, or other goods, with their description and appraisal; any inventory already done is to be reviewed;

3/ one copy of this inventory is to be preserved in the archive of the administration and another in the archive of the curia; any change which the patrimony happens to undergo is to be noted in each copy.

Can. 1284 §1. All administrators are bound to fulfill their function with the diligence of a good householder.

§2. Consequently they must:

1/ exercise vigilance so that the goods entrusted to their care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary;

2/ take care that the ownership of ecclesiastical goods is protected by civilly valid methods;

3/ observe the prescripts of both canon and civil law or those imposed by a founder, a donor, or legitimate authority, and especially be on guard so that no damage comes to the Church from the non-observance of civil laws;

4/ collect the return of goods and the income accurately and on time, protect what is collected, and use them according to the intention of the founder or legitimate norms;

5/ pay at the stated time the interest due on a loan or mortgage and take care that the capital debt itself is repaid in a timely manner;

6/ with the consent of the ordinary, invest the money which is left over after expenses and can be usefully set aside for the purposes of the juridic person;

7/ keep well organized books of receipts and expenditures;

8/ draw up a report of the administration at the end of each year;

9/ organize correctly and protect in a suitable and proper archive the documents and records on which the property rights of the Church or the institute are based, and deposit authentic copies of them in the archive of the curia when it can be done conveniently.

§3. It is strongly recommended that administrators prepare budgets of incomes and expenditures each year; it is left to particular law, however, to require them and to determine more precisely the ways in which they are to be presented.

Can. 1285 Within the limits of ordinary administration only, administrators are permitted to make donations for purposes of piety or Christian charity from movable goods which do not belong to the stable patrimony.

Can. 1286 Administrators of goods:

1/ in the employment of workers are to observe meticulously also the civil laws concerning labor and social policy, according to the principles handed on by the Church;

2/ are to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependents.

Can. 1287 §1. Both clerical and lay administrators of any ecclesiastical goods whatever which have not been legitimately exempted from the power of governance of the diocesan bishop are bound by their office to present an annual report to the local ordinary who is to present it for examination by the finance council; any contrary custom is reprobated.

§2. According to norms to be determined by particular law, administrators are to render an account to the faithful concerning the goods oVered by the faithful to the Church.

Can. 1288 Administrators are neither to initiate nor to contest litigation in a civil forum in the name of a public juridic person unless they have obtained the written permission of their own ordinary.

Can. 1289 Even if not bound to administration by the title of an ecclesiastical office, administrators cannot relinquish their function on their own initiative; if the Church is harmed from an arbitrary withdrawal, moreover, they are bound to restitution.

TITLE III. CONTRACTS AND ESPECIALLY ALIENATION (Cann. 1290 - 1298)

Can. 1290 The general and particular provisions which the civil law in a territory has established for contracts and their disposition are to be observed with the same eVects in canon law insofar as the matters are subject to the power of governance of the Church unless the provisions are contrary to divine law or canon law provides otherwise, and without prejudice to the prescript of ⇒ can. 1547.

Can. 1291 The permission of the authority competent according to the norm of law is required for the valid alienation of goods which constitute by legitimate designation the stable patrimony of a public juridic person and whose value exceeds the sum defined by law.

Can. 1292 §1. Without prejudice to the prescript of ⇒ can. 638, §3, when the value of the goods whose alienation is proposed falls within the minimum and maximum amounts to be defined by the conference of bishops for its own region, the competent authority is determined by the statutes of juridic persons if they are not subject to the diocesan bishop; otherwise, the competent authority is the diocesan bishop with the consent of the finance council, the college of consultors, and those concerned. The diocesan bishop himself also needs their consent to alienate the goods of the diocese.

§2. The permission of the Holy See is also required for the valid alienation of goods whose value exceeds the maximum amount, goods given to the Church by vow, or goods precious for artistic or historical reasons.

§3. If the asset to be alienated is divisible, the parts already alienated must be mentioned when seeking permission for the alienation; otherwise the

permission is invalid.

§4. Those who by advice or consent must take part in alienating goods are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridic person whose goods are proposed for alienation and of previous alienations.

Can. 1293 §1. The alienation of goods whose value exceeds the defined minimum amount also requires the following:

1/ a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason;

2/ a written appraisal by experts of the asset to be alienated.

§2. Other precautions prescribed by legitimate authority are also to be observed to avoid harm to the Church.

Can. 1294 §1. An asset ordinarily must not be alienated for a price less than that indicated in the appraisal.

§2. The money received from the alienation is either to be invested carefully for the advantage of the Church or to be expended prudently according to the purposes of the alienation.

Can. 1295 The requirements of ⇒ cann. 1291-1294, to which the statutes of juridic persons must also conform, must be observed not only in alienation but also in any transaction which can worsen the patrimonial condition of a juridic person.

Can. 1296 Whenever ecclesiastical goods have been alienated without the required canonical formalities but the alienation is valid civilly, it is for the competent authority, after having considered everything thoroughly, to decide whether and what type of action, namely, personal or real, is to be instituted by whom and against whom in order to vindicate the rights of the Church.

Can. 1297 Attentive to local circumstances, it is for the conference of bishops to establish norms for the leasing of Church goods, especially regarding the permission to be obtained from competent ecclesiastical authority.

Can. 1298 Unless an asset is of little value, ecclesiastical goods are not to be sold or leased to the administrators of these goods or to their relatives up to the fourth degree of consanguinity or affinity without the special written permission of competent authority.

TITLE IV. PIOUS WILLS IN GENERAL AND PIOUS FOUNDATIONS (Cann. 1299 - 1310)

Can. 1299 §1. A person who by natural law and canon law is able freely to dispose of his or her goods can bestow goods for pious causes either through an act inter vivos or through an act mortis causa.

§2. In dispositions mortis causa for the good of the Church, the formalities of civil law are to be observed if possible; if they have been omitted, the heirs must be admonished regarding the obligation, to which they are bound, of ful-filling the intention of the testator.

Can. 1300 The legitimately accepted wills of the faithful who give or leave their resources for pious causes, whether through an act inter vivos or through an act mortis causa, are to be fulfilled most diligently even regarding the manner of administration and distribution of goods, without prejudice to the prescript of ⇒ can. 1301, §3.

Can. 1301 §1. The ordinary is the executor of all pious wills whether mortis causa or inter vivos.

§2. By this right, the ordinary can and must exercise vigilance, even through visitation, so that pious wills are fulfilled, and other executors are bound to render him an account after they have performed their function.

§3. Stipulations contrary to this right of an ordinary attached to last wills and testaments are to be considered non-existent.

Can. 1302 §1. A person who has accepted goods in trust for pious causes either through an act inter vivos or by a last will and testament must inform the ordinary of the trust and indicate to him all its movable and immovable goods with the obligations attached to them. If the donor has expressly and entirely prohibited this, however, the person is not to accept the trust.

§2. The ordinary must demand that goods held in trust are safeguarded and also exercise vigilance for the execution of the pious will according to the norm of ⇒ can. 1301.

§3. When goods held in trust have been entrusted to a member of a religious institute or society of apostolic life and if the goods have also been designated for some place or diocese or for the assistance of their inhabitants or pious causes, the ordinary mentioned in §§1 and 2 is the local ordinary; otherwise, it is the major superior in a clerical institute of pontifical right and in clerical societies of apostolic life of pontifical right or the proper ordinary of the member in other religious institutes.

Can. 1303 §1. In law, the term pious foundations includes:

1/ autonomous pious foundations, that is, aggregates of things (universitates rerum) destined for the purposes mentioned in ⇒ can. 114, §2 and erected as a juridic person by competent ecclesiastical authority;

2/ non-autonomous pious foundations, that _is, temporal goods given in some way to a public juridic person with the obligation for a long time, to be determined by particular law, of celebrating Masses and performing other specified ecclesiastical functions or of otherwise pursuing the purposes mentioned in ⇒ can. 114, §2, from the annual revenues.

§2. If the goods of a non-autonomous pious foundation have been entrusted to a juridic person subject to a diocesan bishop, they must be remanded to the institute mentioned in ⇒ can. 1274, §1 when the time is completed

unless some other intention of the founder had been expressly manifested; otherwise, they accrue to the juridic person itself.

Can. 1304 §1. For a juridic person to be able to accept a foundation validly, the written permission of the ordinary is required. He is not to grant this permission before he has legitimately determined that the juridic person can satisfy both the new obligation to be undertaken and those already undertaken; most especially he is to be on guard so that the revenues completely respond to the attached obligations, according to the practice of each place or region.

§2. Particular law is to define additional conditions for the establishment and acceptance of foundations.

Can. 1305 Money and movable goods assigned to an endowment are to be deposited immediately in a safe place approved by the ordinary so that the money or value of the movable goods is protected; as soon as possible, these are to be invested cautiously and usefully for the benefit of the foundation, with express and specific mention made of the obligation; this investment is to be made according to the prudent judgment of the ordinary, after he has heard those concerned and his own finance council.

Can. 1306 §1. Foundations, even if made orally, are to be put in writing.

§2. One copy of the charter is to be preserved safely in the archive of the curia and another copy in the archive of the juridic person to which the foundation belongs.

Can. 1307 §1. A list of the obligations incumbent upon pious foundations is to be composed and displayed in an accessible place so that the obligations to be fulfilled are not forgotten; the prescripts of cann. ⇒ 1300-1302 and ⇒ 1287 are to be observed.

§2. In addition to the book mentioned in ⇒ can. 958, §1, another book is to be maintained and kept by the pastor or rector in which the individual obligations, their fulfillment, and the offerings are noted.

Can. 1308 §1. A reduction of the obligations of Masses, to be made only for a just and necessary cause, is reserved to the Apostolic See, without prejudice to the following prescripts.

§2. If it is expressly provided for in the charters of the foundations, the ordinary is able to reduce the Mass obligations because of diminished revenues.

§3. With regard to Masses independently founded in legacies or in any other way, the diocesan bishop has the power, because of diminished revenues and for as long as the cause exists, to reduce the obligations to the level of offering legitimately established in the diocese, provided that there is no one obliged to increase the offering who can effectively be made to do so.

§4. The diocesan bishop also has the power to reduce the obligations or legacies of Masses binding an ecclesiastical institute if the revenue has become insufficient to pursue appropriately the proper purpose of the institute.

§5. The supreme moderator of a clerical religious institute of pontifical right possesses the same powers mentioned in §§3 and 4.

Can. 1309 The authorities mentioned in ⇒ can. 1308 also have the power to transfer, for an appropriate cause, the obligations of Masses to days, churches, or altars different from those determined in the foundations.

Can. 1310 §1. The ordinary, only for a just and necessary cause, can reduce, moderate, or commute the wills of the faithful for pious causes if the founder has expressly entrusted this power to him.

§2. If through no fault of the administrators the fulfillment of the imposed obligations has become impossible because of diminished revenues or some other cause, the ordinary can equitably lessen these obligations, after having heard those concerned and his own finance council and with the intention of the founder preserved as much as possible; this does not hold for the reduction of Masses, which is governed by the prescripts of ⇒ can. 1308.

§3. In other cases, recourse is to be made to the Apostolic See.

BOOK VI. SANCTIONS IN THE CHURCH LIBER VI. DE SANCTIONIBUS IN ECCLESIA

PART I. DELICTS AND PENALTIES IN GENERAL

TITLE I THE PUNISHMENT OF DELICTS IN GENERAL (Cann. 1311 - 1312)

Can. 1311 The Church has the innate and proper right to coerce offending members of the Christian faithful with penal sanctions.

Can. 1312 §1. The following are penal sanctions in the Church:

1/ medicinal penalties, or censures, which are listed in ⇒ cann. 1331-1333;

2/ expiatory penalties mentioned in ⇒ can. 1336.

§2. The law can establish other expiatory penalties which deprive a member of the Christian faithful of some spiritual or temporal good and which are consistent with the supernatural purpose of the Church.

§3. Penal remedies and penances are also used; the former especially to prevent delicts, the latter to substitute for or to increase a penalty.

TITLE II. PENAL LAW AND PENAL PRECEPT (Cann. 1313 - 1320)

Can. 1313 §1. If a law is changed after a delict has been committed, the law more favorable to the accused is to be applied.

§2. If a later law abolishes a law or at least the penalty, the penalty immediately ceases.

Can. 1314 Generally, a penalty is ferendae sententiae, so that it does not bind the guilty party until after it has been imposed; if the law or precept expressly establishes it, however, a penalty is latae sententiae, so that it is incurred ipso facto when the delict is committed.

Can. 1315 §1. A person who has legislative power can also issue penal laws; within the limits of his competence by reason of territory or of persons, moreover, he can by his own laws also strengthen with an appropriate penalty a divine law or an ecclesiastical law issued by a higher authority.

§2. The law itself can determine a penalty, or its determination can be left to the prudent appraisal of a judge.

§3. Particular law also can add other penalties to those established by universal law for some delict; however, this is not to be done except for very grave necessity. If universal law threatens an indeterminate or facultative penalty, particular law can also establish a determinate or obligatory one in its place.

Can. 1316 Insofar as possible, diocesan bishops are to take care that if penal laws must be issued, they are uniform in the same city or region.

Can. 1317 Penalties are to be established only insofar as they are truly necessary to provide more suitably for ecclesiastical discipline. Particular law, however, cannot establish a penalty of dismissal from the clerical state.

Can. 1318 A legislator is not to threaten latae sententiae penalties except possibly for certain singularly malicious delicts which either can result in graver scandal or cannot be punished effectively by ferendae sententiae penalties; he is not, however, to establish censures, especially excommunication, except with the greatest moderation and only for graver delicts.

Can. 1319 §1. Insofar as a person can impose precepts in the external forum in virtue of the power of governance, the person can also threaten determinate penalties by precept, except perpetual expiatory penalties.

§2. A penal precept is not to be issued unless the matter has been considered thoroughly and those things established in cann. ⇒ 1317 and ⇒ 1318 about particular laws have been observed.

Can. 1320 The local ordinary can coerce religious with penalties in all those matters in which they are subject to him.

TITLE III. THE SUBJECT LIABLE TO PENAL SANCTIONS (Cann. 1321 - 1330)

Can. 1321 §1. No one is punished unless the external violation of a law or precept, committed by the person, is gravely imputable by reason of malice

or negligence.

§2. A penalty established by a law or precept binds the person who has deliberately violated the law or precept; however, a person who violated a law or precept by omitting necessary diligence is not punished unless the law or precept provides otherwise.

§3. When an external violation has occurred, imputability is presumed unless it is otherwise apparent.

Can. 1322 Those who habitually lack the use of reason are considered to be incapable of a delict, even if they violated a law or precept while seemingly sane.

Can. 1323 The following are not subject to a penalty when they have violated a law or precept:

1/ a person who has not yet completed the sixteenth year of age;

2/ a person who without negligence was ignorant that he or she violated a law or precept; inadvertence and error are equivalent to ignorance;

3/ a person who acted due to physical force or a chance occurrence which the person could not foresee or, if foreseen, avoid;

4/ a person who acted coerced by grave fear, even if only relatively grave, or due to necessity or grave inconvenience unless the act is intrinsically evil or tends to the harm of souls;

5/ a person who acted with due moderation against an unjust aggressor for the sake of legitimate self defense or defense of another;

6/ a person who lacked the use of reason, without prejudice to the prescripts of cann. ⇒ 1324, §1, n. 2 and ⇒ 1325;

7/ a person who without negligence thought that one of the circumstances mentioned in nn. 4 or 5 was present.

Can. 1324 §1. The perpetrator of a violation is not exempt from a penalty, but the penalty established by law or precept must be tempered or a penance employed in its place if the delict was committed:

1/ by a person who had only the imperfect use of reason;

2/ by a person who lacked the use of reason because of drunkenness or another similar culpable disturbance of mind;

3/ from grave heat of passion which did not precede and hinder all deliberation of mind and consent of will and provided that the passion itself had not been stimulated or fostered voluntarily;

4/ by a minor who has completed the age of sixteen years;

5/ by a person who was coerced by grave fear, even if only relatively grave, or due to necessity or grave inconvenience if the delict is intrinsically evil or tends to the harm of souls;

6/ by a person who acted without due moderation against an unjust aggressor for the sake of legitimate self defense or defense of another;

7/ against someone who gravely and unjustly provokes the person;

8/ by a person who thought in culpable error that one of the circumstances mentioned in ⇒ can. 1323, nn. 4 or 5 was present;

9/ by a person who without negligence did not know that a penalty was attached to a law or precept;

10/ by a person who acted without full imputability provided that the imputability was grave.

§2. A judge can act in the same manner if another circumstance is present which diminishes the gravity of a delict.

§3. In the circumstances mentioned in §1, the accused is not bound by a latae sententiae penalty.

Can. 1325 Crass, supine, or affected ignorance can never be considered in applying the prescripts of cann. ⇒ 1323 and ⇒ 1324; likewise drunkenness or other disturbances of mind cannot be considered if they are sought deliberately in order to commit or excuse a delict, nor can passion which is voluntarily stimulated or fostered.

Can. 1326 §1. A judge can punish the following more gravely than the law or precept has established:

1/ a person who after a condemnation or after the declaration of a penalty continues so to offend that from the circumstances the obstinate ill will of the person can prudently be inferred;

2/ a person who has been established in some dignity or who has abused a position of authority or office in order to commit the delict;

3/ an accused person who, when a penalty has been established against a delict based on negligence, foresaw the event and nonetheless omitted precautions to avoid it, which any diligent person would have employed.

§2. If the penalty established in the cases mentioned in §1 is latae sententiae, another penalty or a penance can be added.

Can. 1327 Particular law can establish other exempting, mitigating, or aggravating circumstances besides the cases in ⇒ cann. 1323-1326, either by general norm or for individual delicts. Likewise, circumstances can be established in a precept which exempt from, mitigate, or increase a penalty established by the precept.

Can. 1328 §1. A person who has done or omitted something in order to commit a delict and yet, contrary to his or her intent, did not commit the delict is not bound by the penalty established for a completed delict unless the law or precept provides otherwise.

§2. If the acts or omissions are by their nature conducive to the execution of the delict, however, their perpetrator can be subjected to a penance or penal remedy unless the perpetrator voluntarily ceased from carrying out the delict which had been initiated. If scandal or some other grave damage or

danger resulted, however, the perpetrator, even if he or she voluntarily desisted, can be punished with a just penalty, although one lesser than that established for a completed delict.

Can. 1329 §1. If ferendae sententiae penalties are established for the principal perpetrator, those who conspire together to commit a delict and are not expressly named in a law or precept are subject to the same penalties or to others of the same or lesser gravity.

§2. Accomplices who are not named in a law or precept incur a latae sententiae penalty attached to a delict if without their assistance the delict would not have been committed, and the penalty is of such a nature that it can affect them; otherwise, they can be punished by ferendae sententiae penalties.

Can. 1330 A delict which consists in a declaration or in another manifestation of will, doctrine, or knowledge must not be considered completed if no one perceives the declaration or manifestation.

TITLE IV. PENALTIES AND OTHER PUNISHMENTS (Cann. 1331 - 1340)

CHAPTER I. CENSURES

Can. 1331 §1. An excommunicated person is forbidden:

1/ to have any ministerial participation in celebrating the sacrifice of the Eucharist or any other ceremonies of worship whatsoever;

2/ to celebrate the sacraments or sacramentals and to receive the sacraments;

3/ to exercise any ecclesiastical offices, ministries, or functions whatsoever or to place acts of governance.

§2. If the excommunication has been imposed or declared, the offender:

1/ who wishes to act against the prescript of §1, n. 1 must be prevented from doing so, or the liturgical action must be stopped unless a grave cause precludes this;

2/ invalidly places acts of governance which are illicit according to the norm of §1, n. 3;

3/ is forbidden to benefit from privileges previously granted;

4/ cannot acquire validly a dignity, office, or other function in the Church;

5/ does not appropriate the benefits of a dignity, office, any function, or pension, which the offender has in the Church.

Can. 1332 The prohibitions mentioned in ⇒ can. 1331, §1, nn. 1 and 2 bind an interdicted person. If the interdict has been imposed or declared, however, the prescript of ⇒ can. 1331, §2, n. 1 must be observed.

Can. 1333 §1. Suspension, which can affect only clerics, prohibits:

1/ either all or some acts of the power of orders;

2/ either all or some acts of the power of governance;

3/ the exercise of either all or some of the rights or functions attached to an office.

§2. A law or precept can establish that a suspended person cannot place acts of governance validly after a condemnatory or declaratory sentence.

§3. A prohibition never affects:

1/ the offices or the power of governance which are not under the power of the superior who establishes the penalty;

2/ the right of residence which the offender may have by reason of office;

3/ the right to administer goods which may pertain to the office of the person suspended if the penalty is latae sententiae.

§4. A suspension prohibiting a person from receiving benefits, a stipend, pensions, or any other such thing entails the obligation of making restitution

for whatever has been received illegitimately, even if in good faith.

Can. 1334 §1. Within the limits established by the preceding canon, either the law or precept itself or the sentence or decree which imposes the penalty defines the extent of a suspension.

§2. A law, but not a precept, can establish a latae sententiae suspension without additional determination or limitation; such a penalty has all the eVects listed in ⇒ can. 1333, §1.

Can. 1335 If a censure prohibits the celebration of sacraments or sacramentals or the placing of an act of governance, the prohibition is suspended whenever it is necessary to care for the faithful in danger of death. If a latae sententiae censure has not been declared, the prohibition is also suspended whenever a member of the faithful requests a sacrament or sacramental or an act of governance; a person is permitted to request this for any just cause.

CHAPTER II. EXPIATORY PENALTIES

Can. 1336 §1. In addition to other penalties which the law may have established, the following are expiatory penalties which can affect an offender either perpetually, for a prescribed time, or for an indeterminate time:

1/ a prohibition or an order concerning residence in a certain place or territory;

2/ privation of a power, office, function, right, privilege, faculty, favor, title, or insignia, even merely honorary;

3/ a prohibition against exercising those things listed under n. 2, or a prohibition against exercising them in a certain place or outside a certain place; these prohibitions are never under pain of nullity;

4/ a penal transfer to another office;

5/ dismissal from the clerical state.

§2. Only those expiatory penalties listed in §1, n. 3 can be latae sententiae.

Can. 1337 §1. A prohibition against residing in a certain place or territory can affect both clerics and religious; however, the order to reside in a certain place or territory can affect secular clerics and, within the limits of the constitutions, religious.

§2. To impose an order to reside in a certain place or territory requires the consent of the ordinary of that place unless it is a question of a house designated for clerics doing penance or being rehabilitated even from outside the diocese.

Can. 1338 §1. The privations and prohibitions listed in ⇒ can. 1336, §1, nn. 2 and 3, never affect powers, offices, functions, rights, privileges, faculties, favors, titles, or insignia which are not subject to the power of the superior who establishes the penalty.

§2. Privation of the power of orders is not possible but only a prohibition against exercising it or some of its acts; likewise, privation of academic degrees is not possible.

§3. The norm given in ⇒ can. 1335 for censures must be observed for the prohibitions listed in ⇒ can. 1336, §1, n. 3.

CHAPTER III. PENAL REMEDIES AND PENANCES

Can. 1339 §1. An ordinary, personally or through another, can warn a person who is in the proximate occasion of committing a delict or upon whom, after investigation, grave suspicion of having committed a delict has fallen.

§2. He can also rebuke a person whose behavior causes scandal or a grave disturbance of order, in a manner accommodated to the special conditions of the person and the deed.

§3. The warning or rebuke must always be established at least by some document which is to be kept in the secret archive of the curia.

Can. 1340 §1. A penance, which can be imposed in the external forum, is the performance of some work of religion, piety, or charity.

§2. A public penance is never to be imposed for an occult transgression.

§3. According to his own prudent judgment, an ordinary can add penances to the penal remedy of warning or rebuke.

TITLE V. THE APPLICATION OF PENALTIES (Cann. 1341 - 1353)

Can. 1341 An ordinary is to take care to initiate a judicial or administrative process to impose or declare penalties only after he has ascertained that fraternal correction or rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, reform the offender.

Can. 1342 §1. Whenever just causes preclude a judicial process, a penalty can be imposed or declared by extrajudicial decree; penal remedies and penances, however, can be applied by decree in any case whatsoever.

§2. Perpetual penalties cannot be imposed or declared by decree, nor can penalties be so applied when the law or precept establishing them prohibits their application by decree.

§3. What a law or precept states about the imposition or declaration of a penalty by a judge in a trial must be applied to a superior who imposes or declares a penalty by extrajudicial decree unless it is otherwise evident or unless it concerns prescripts which pertain only to procedural matters.

Can. 1343 If the law or precept gives the judge the power to apply or not apply a penalty, the judge can also temper the penalty or impose a penance in its place, according to his own conscience and prudence.

Can. 1344 Even if the law uses preceptive words, the judge can, according to his own conscience and prudence:

1/ defer the imposition of the penalty to a more opportune time if it is foreseen that greater evils will result from an offerly hasty punishment of the offender;

2/ abstain from imposing a penalty, impose a lighter penalty, or employ a penance if the offender has reformed and repaired the scandal or if the offender has been or, it is foreseen, will be punished sufficiently by civil authority;

3/ suspend the obligation of observing an expiatory penalty if it is the first offense of an offender who has lived a praiseworthy life and if the need to repair scandal is not pressing, but in such a way that if the offender commits an offense again within the time determined by the judge, the person is to pay the penalty due for each delict unless in the interim the time for the prescription of a penal action has elapsed for the first delict.

Can. 1345 Whenever the offender had only the imperfect use of reason or committed the delict from fear, necessity, the heat of passion, or mental disturbance from drunkenness or something similar, the judge can also abstain from imposing any penalty if he thinks that reform of the person can be better accomplished in another way.

Can. 1346 Whenever the offender has committed several delicts, it is left to the prudent decision of the judge to moderate the penalties within equitable limits if the sum of the feren dae sententiae penalties appears excessive.

Can. 1347 §1. A censure cannot be imposed validly unless the offender has been warned at least once beforehand to withdraw from contumacy and has been given a suitable time for repentance.

§2. An offender who has truly repented of the delict and has also made suitable reparation for damages and scandal or at least has seriously promised to do so must be considered to have withdrawn from contumacy.

Can. 1348 When an accused is acquitted of an accusation or when no penalty is imposed, the ordinary can provide for the welfare of the person and for the public good through appropriate warnings and other means of pastoral solicitude or even through penal remedies if the matter warrants it.

Can. 1349 If a penalty is indeterminate and the law does not provide otherwise, the judge is not to impose graver penalties, especially censures,

unless the seriousness of the case clearly demands it; he cannot, however, impose perpetual penalties.

Can. 1350 §1. Unless it concerns dismissal from the clerical state, when penalties are imposed on a cleric, provision must always be made so that he does not lack those things necessary for his decent support.

§2. In the best manner possible, however, the ordinary is to take care to provide for a person dismissed from the clerical state who is truly in need because of the penalty.

Can. 1351 Unless other provision is expressly made, a penalty binds the offender everywhere, even when the authority of the one who established or imposed the penalty has lapsed.

Can. 1352 §1. If a penalty prohibits the reception of the sacraments or sacramentals, the prohibition is suspended as long as the offender is in danger of death.

§2. The obligation to observe an undeclared latae sententiae penalty which is not notorious in the place where the offender is present, is suspended totally or partially whenever the offender cannot observe it without danger of grave scandal or infamy.

Can. 1353 An appeal or recourse from judicial sentences or from decrees, which impose or declare a penalty, has a suspensive effect.

TITLE VI. THE CESSATION OF PENALTIES (Cann. 1354 - 1363)

Can. 1354 §1. In addition to the persons listed in ⇒ cann. 1355-1356, all who can dispense from a law which includes a penalty or who can exempt from a precept which threatens a penalty can also remit that penalty.

§2. Moreover, a law or precept which establishes a penalty can also give the power of remission to others.

§3. If the Apostolic See has reserved the remission of a penalty to itself or to others, the reservation must be interpreted strictly.

Can. 1355 §1. Provided that the penalty has not been reserved to the Apostolic See, the following can remit an imposed or declared penalty established by law:

1/ the ordinary who initiated the trial to impose or declare a penalty or who personally or through another imposed or declared it by decree;

2/ the ordinary of the place where the offender is present, after the ordinary mentioned under n. 1 has been consulted unless this is impossible because of extraordinary circumstances.

§2. If the penalty has not been reserved to the Apostolic See, an ordinary can remit a latae sententiae penalty established by law but not yet declared for his subjects and those who are present in his territory or who committed the offense there; any bishop can also do this in the act of sacramental confession.

Can. 1356 §1. The following can remit a ferendae sententiae or latae sententiae penalty established by a precept not issued by the Apostolic See:

1/ the ordinary of the place where the offender is present;

2/ if the penalty has been imposed or declared, the ordinary who initiated the trial to impose or declare the penalty or who personally or through another imposed or declared it by decree.

§2. The author of the precept must be consulted before remission is made unless this is impossible because of extraordinary circumstances.

Can. 1357 §1. Without prejudice to the prescripts of cann. 508 and 976, a confessor can remit in the internal sacramental forum an undeclared latae sententiae censure of excommunication or interdict if it is burdensome for the penitent to remain in the state of grave sin during the time necessary for the competent superior to make provision.

§2. In granting the remission, the confessor is to impose on the penitent, under the penalty of reincidence, the obligation of making recourse within a month to the competent superior or to a priest endowed with the faculty and

the obligation of obeying his mandates; in the meantime he is to impose a suitable penance and, insofar as it is demanded, reparation of any scandal and damage; however, recourse can also be made through the confessor, without mention of the name.

§3. After they have recovered, those for whom an imposed or declared censure or one reserved to the Apostolic See has been remitted according to the norm of ⇒ can. 976 are also obliged to make recourse.

Can. 1358 §1. Remission of a censure cannot be granted unless the offender has withdrawn from contumacy according to the norm of ⇒ can. 1347, §2; it cannot be denied, however, to a person who withdraws from contumacy.

§2. The person who remits a censure can make provision according to the norm of ⇒ can. 1348 or can even impose a penance.

Can. 1359 If several penalties bind a person, a remission is valid only for the penalties expressed in it; a general remission, however, takes away all penalties except those which the offender in bad faith omitted in the petition.

Can. 1360 The remission of a penalty extorted by grave fear is invalid.

Can. 1361 §1. A remission can also be given conditionally or to a person who is absent.

§2. A remission in the external forum is to be given in writing unless a grave cause suggests otherwise.

§3. Care is to be taken that the petition of remission or the remission itself is not divulged except insofar as it is either useful to protect the reputation of the offender or necessary to repair scandal.

Can. 1362 §1. Prescription extinguishes a criminal action after three years unless it concerns:

1/ delicts reserved to the Congregation for the Doctrine of the Faith;

2/ an action arising from the delicts mentioned in cann. 1394, 1395, 1397, and 1398, which have a prescription of five years;

3/ delicts which are not punished in the common law if particular law has established another period for prescription.

§2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

Can. 1363 §1. Prescription extinguishes an action to execute a penalty if the offender is not notified of the executive decree of the judge mentioned in ⇒ can. 1651 within the time limits mentioned in ⇒ can. 1362; these limits are to be computed from the day on which the condemnatory sentence became a res iudicata.

§2. Having observed what is required, the same is valid if the penalty was imposed by extrajudicial decree.

PART II. PENALTIES FOR INDIVIDUAL DELICTS

TITLE I. DELICTS AGAINST RELIGION AND THE UNITY OF THE CHURCH (Cann. 1364 - 1369)

Can. 1364 §1. Without prejudice to the prescript of ⇒ can. 194, §1, n. 2, an apostate from the faith, a heretic, or a schismatic incurs a latae sententiae excommunication; in addition, a cleric can be punished with the penalties mentioned in ⇒ can. 1336, §1, nn. 1, 2, and 3.

§2. If contumacy of long duration or the gravity of scandal demands it, other penalties can be added, including dismissal from the clerical state.

Can. 1365 A person guilty of prohibited participation in sacred rites (communicatio in sacris) is to be punished with a just penalty.

Can. 1366 Parents or those who take the place of parents who hand offer their children to be baptized or educated in a non Catholic religion are to be punished with a censure or other just penalty.

Can. 1367 A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a latae sententiae excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

Can. 1368 A person who commits perjury while asserting or promising something before ecclesiastical authority is to be punished with a just penalty.

Can. 1369 A person who in a public show or speech, in published writing, or in other uses of the instruments of social communication utters blasphemy, gravely injures good morals, expresses insults, or excites hatred or contempt against religion or the Church is to be punished with a just penalty.

TITLE II DELICTS AGAINST ECCLESIASTICAL AUTHORITIES AND THE FREEDOM OF THE CHURCH (Cann. 1370 - 1377)

Can. 1370 §1. A person who uses physical force against the Roman Pontiff incurs a latae sententiae excommunication reserved to the Apostolic See; if he is a cleric, another penalty, not excluding dismissal from the clerical state, can be added according to the gravity of the delict.

§2. A person who does this against a bishop incurs a latae sententiae interdict and, if he is a cleric, also a latae sententiae suspension.

§3. A person who uses physical force against a cleric or religious out of contempt for the faith, the Church, ecclesiastical power, or the ministry is to be punished with a just penalty.

Can. 1371 The following are to be punished with a just penalty:

1/ in addition to the case mentioned in ⇒ can. 1364, §1, a person who teaches a doctrine condemned by the Roman Pontiff or an ecumenical council or who obstinately rejects the doctrine mentioned in ⇒ can. 750, §2 or in ⇒ can. 752 and who does not retract after having been admonished by the Apostolic See or an ordinary;

2/ a person who otherwise does not obey a legitimate precept or prohibition of the Apostolic See, an ordinary, or a superior and who persists in disobedience after a warning.

Can. 1372 A person who makes recourse against an act of the Roman Pontiff to an ecumenical council or the college of bishops is to be punished with a censure.

Can. 1373 A person who publicly incites among subjects animosities or hatred against the Apostolic See or an ordinary because of some act of power or ecclesiastical ministry or provokes subjects to disobey them is to be punished by an interdict or other just penalties.

Can. 1374 A person who joins an association which plots against the Church is to be punished with a just penalty; however, a person who promotes or directs an association of this kind is to be punished with an interdict.

Can. 1375 Those who impede the freedom of ministry, of election, or of ecclesiastical power or the legitimate use of sacred goods or other ecclesiastical goods or who greatly intimidate an elector, one elected, or one who exercises ecclesiastical power or ministry can be punished with a just penalty.

Can. 1376 A person who profanes a movable or immovable sacred object is to be punished with a just penalty.

Can. 1377 A person who alienates ecclesiastical goods without the prescribed permission is to be punished with a just penalty.

TITLE III. USURPATION OF ECCLESIASTICAL FUNCTIONS AND DELICTS IN THEIR EXERCISE (Cann. 1378 - 1389)

Can. 1378 §1. A priest who acts against the prescript of ⇒ can. 977 incurs a latae sententiae excommunication reserved to the Apostolic See.

§2. The following incur a latae sententiae penalty of interdict or, if a cleric, a latae sententiae penalty of suspension:

1/ a person who attempts the liturgical action of the Eucharistic sacrifice though not promoted to the sacerdotal order;

2/ apart from the case mentioned in §1, a person who, though unable to give sacramental absolution validly, attempts to impart it or who hears sacramental confession.

§3. In the cases mentioned in §2, other penalties, not excluding excommunication, can be added according to the gravity of the delict.

Can. 1379 In addition to the cases mentioned in ⇒ can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.

Can. 1380 A person who celebrates or receives a sacrament through simony is to be punished with an interdict or suspension.

Can. 1381 §1. Whoever usurps an ecclesiastical office is to be punished with a just penalty.

§2. Illegitimate retention of a function after its privation or cessation is equivalent to usurpation.

Can. 1382 A bishop who consecrates some one a bishop without a pontifical mandate and the person who receives the consecration from him incur a latae sententiae excommunication reserved to the Apostolic See.

Can. 1383 A bishop who, contrary to the prescript of ⇒ can. 1015, ordains without legitimate dimissorial letters someone who is not his subject is prohibited for a year from conferring the order. The person who has received the ordination, however, is ipso facto suspended from the order received.

Can. 1384 In addition to the cases mentioned in ⇒ cann. 1378-1383, a person who illegitimately performs a priestly function or another sacred ministry can be punished with a just penalty.

Can. 1385 A person who illegitimately makes a profit from a Mass offering is to be punished with a censure or another just penalty.

Can. 1386 A person who gives or promises something so that someone who exercises a function in the Church will do or omit something illegitimately is to be punished with a just penalty; likewise, the one who accepts such gifts or promises.

Can. 1387 A priest who in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the sixth commandment of the Decalogue is to be punished, according to the gravity of the delict, by suspension, prohibitions, and privations; in graver cases he is to be dismissed from the clerical state.

Can. 1388 §1. A confessor who directly violates the sacramental seal incurs a latae sententiae excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the gravity of the delict.

§2. An interpreter and the others mentioned in ⇒ can. 983, §2 who violate the secret are to be punished with a just penalty, not excluding excommunication.

Can. 1389 §1. A person who abuses an ecclesiastical power or function is to be punished according to the gravity of the act or omission, not excluding privation of office, unless a law or precept has already established the penalty for this abuse.

§2. A person who through culpable negligence illegitimately places or omits an act of ecclesiastical power, ministry, or function with harm to another is to be punished with a just penalty.

TITLE IV. THE CRIME OF FALSEHOOD (Cann. 1390 - 1391)

Can. 1390 §1. A person who falsely denounces before an ecclesiastical superior a confessor for the delict mentioned in ⇒ can. 1387 incurs a latae sententiae interdict and, if he is a cleric, also a suspension.

§2. A person who offers an ecclesiastical superior any other calumnious denunciation of a delict or who otherwise injures the good reputation of another can be punished with a just penalty, not excluding a censure.

§3. A calumniator can also be forced to make suitable reparation.

Can. 1391 The following can be punished with a just penalty according to the gravity of the delict:

1/ a person who produces a false public ecclesiastical document, who changes, destroys, or conceals an authentic one, or who uses a false or altered one;

2/ a person who uses another false or altered document in an ecclesiastical matter;

3/ a person who asserts a falsehood in a public ecclesiastical document.

TITLE V. DELICTS AGAINST SPECIAL OBLIGATIONS (Cann. 1392 - 1396)

Can. 1392 Clerics or religious who exercise a trade or business contrary to the prescripts of the canons are to be punished according to the gravity of the delict.

Can. 1393 A person who violates obligations imposed by a penalty can be punished with a just penalty.

Can. 1394 §1. Without prejudice to the prescript of ⇒ can. 194, §1, n. 3, a cleric who attempts marriage, even if only civilly, incurs a latae sententiae suspension. If he does not repent after being warned and continues to give scandal, he can be punished gradually by privations or even by dismissal from the clerical state.

§2. A perpetually professed religious who is not a cleric and who attempts marriage, even if only civilly, incurs a latae sententiae interdict, without prejudice to the prescript of ⇒ can. 694.

Can. 1395 §1. A cleric who lives in concubinage, other than the case mentioned in ⇒ can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.

§2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

Can. 1396 A person who gravely violates the obligation of residence which binds by reason of ecclesiastical office is to be punished by a just penalty, not excluding, after a warning, even privation from office.

TITLE VI. DELICTS AGAINST HUMAN LIFE AND FREEDOM (Cann. 1397 - 1398)

Can. 1397 A person who commits a homicide or who kidnaps, detains, mutilates, or gravely wounds a person by force or fraud is to be punished

with the privations and prohibitions mentioned in ⇒ can. 1336 according to the gravity of the delict. Homicide against the persons mentioned in ⇒ can. 1370, however, is to be punished by the penalties established there.

Can. 1398 A person who procures a completed abortion incurs a latae sententiae excommunication.

TITLE VII. GENERAL NORM (Can. 1399)

Can. 1399 In addition to the cases established here or in other laws, the external violation of a divine or canonical law can be punished by a just penalty only when the special gravity of the violation demands punishment and there is an urgent need to prevent or repair scandals.

BOOK VII PROCESSES

PART I. TRIALS IN GENERAL (Cann. 1400 - 1403)

Can. 1400 §1. The object of a trial is:

1/ the pursuit or vindication of the rights of physical or juridic persons, or the declaration of juridic facts;

2/ the imposition or declaration of a penalty for delicts.

§2. Nevertheless, controversies arising from an act of administrative power can be brought only before the superior or an administrative tribunal.

Can. 1401 By proper and exclusive right the Church adjudicates:

1/ cases which regard spiritual matters or those connected to spiritual matters;

2/ the violation of ecclesiastical laws and all those matters in which there is a question of sin, in what pertains to the determination of culpability and the imposition of ecclesiastical penalties.

Can. 1402 The following canons govern all tribunals of the Church, without prejudice to the norms of the tribunals of the Apostolic See.

Can. 1403 §1. Special pontifical law governs the causes of canonization of the servants of God.

§2. The prescripts of this Code, however, apply to these causes whenever the special pontifical law refers to the universal law, or norms are involved which also affect these causes by the very nature of the matter.

TITLE I. THE COMPETENT FORUM (Cann. 1404 - 1416)

Can. 1404 The First See is judged by no one.

Can. 1405 §1. It is solely the right of the Roman Pontiff himself to judge in the cases mentioned in ⇒ can. 1401:

1/ those who hold the highest civil office of a state;

2/ cardinals;

3/ legates of the Apostolic See and, in penal cases, bishops;

4/ other cases which he has called to his own judgment.

§2. A judge cannot review an act or instrument confirmed specifically (in forma specifica) by the Roman Pontiff without his prior mandate.

§3. Judgment of the following is reserved to the Roman Rota:

1/ bishops in contentious matters, without prejudice to the prescript of ⇒ can. 1419, §2;

2/ an abbot primate or abbot superior of a monastic congregation and a supreme moderator of religious institutes of pontifical right;

3/ dioceses or other physical or juridic ecclesiastical persons which do not have a superior below the Roman Pontiff.

Can. 1406 §1. If the prescript of ⇒ can. 1404 is violated, the acts and decisions are considered as not to have been placed.

§2. In the cases mentioned in ⇒ can. 1405, the incompetence of other judges is absolute.

Can. 1407 §1. No one can be brought to trial in first instance except before an ecclesiastical judge who is competent by reason of one of the titles determined in cann. 1408-1414.

§2. The incompetence of a judge supported by none of these titles is called relative.

§3. The petitioner follows the forum of the respondent. If the respondent has more than one forum, the choice of forum is granted to the petitioner.

Can. 1408 Anyone can be brought to trial before the tribunal of domicile or quasi-domicile.

Can. 1409 §1. A transient has a forum in the place of his or her actual residence.

§2. A person whose domicile, quasi-domicile, and place of residence are unknown can be brought to trial in the forum of the petitioner provided that no other legitimate forum is available.

Can. 1410 By reason of the location of an object, a party can be brought to trial before the tribunal of the place where the object in dispute is located whenever the action is directed against the object or concerns damages.

Can. 1411 §1. By reason of a contract, a party can be brought to trial before the tribunal of the place where the contract was entered into or must be fulfilled unless the parties agree to choose some other tribunal.

§2. If the case concerns obligations which originate from another title, a party can be brought to trial before the tribunal of the place where the obligation either originated or must be fulfilled.

Can. 1412 In penal cases the accused, even if absent, can be brought to trial before the tribunal of the place where the delict was committed.

Can. 1413 A party can be brought to trial:

1/ in cases which concern administration, before the tribunal of the place where the administration was conducted;

2/ in cases which regard inheritances or pious legacies, before the tribunal of the last domicile, quasi-domicile, or place of residence, according to the norm of ⇒ cann. 1408-1409, of the one whose inheritance or pious legacy is at issue unless it concerns the mere execution of the legacy, which must be examined according to the ordinary norms of competence.

Can. 1414 By reason of connection, interconnected cases must be adjudicated by one and the same tribunal in the same process unless a

prescript of law prevents this.

Can. 1415 By reason of prevention, if two or more tribunals are equally competent, the right of adjudicating the case belongs to the one which legitimately cited the respondent first.

Can. 1416 The appellate tribunal resolves conflicts of competence between tribunals subject to it; if the tribunals are not subject to the same appellate tribunal, the Apostolic Signatura resolves conflicts of competence.

TITLE II. DIFFERENT GRADES AND KINDS OF TRIBUNALS (Cann. 1417 - 1445)

Can. 1417 §1. By reason of the primacy of the Roman Pontiff, any member of the faithful is free to bring or introduce his or her own contentious or penal case to the Holy See for adjudication in any grade of a trial and at any stage of the litigation.

§2. Recourse brought to the Apostolic See, however, does not suspend the exercise of jurisdiction by a judge who has already begun to adjudicate a case except in the case of an appeal. For this reason, the judge can prosecute a trial even to the definitive sentence unless the Apostolic See has informed the judge that it has called the case to itself.

Can. 1418 Any tribunal has the right to call upon the assistance of another tribunal to instruct a case or to communicate acts.

CHAPTER I. THE TRIBUNAL OF FIRST INSTANCE

Art. 1. THE JUDGE

Can. 1419 §1. In each diocese and for all cases not expressly excepted by law, the judge of first instance is the diocesan bishop, who can exercise judicial power personally or through others according to the following canons.

§2. If a case concerns the rights or temporal goods of a juridic person represented by the bishop, the appellate tribunal judges in first instance.

Can. 1420 §1. Each diocesan bishop is bound to appoint a judicial vicar, or offcialis, with ordinary power to judge, distinct from the vicar general unless the small size of the diocese or the small number of cases suggests otherwise.

§2. The judicial vicar constitutes one tribunal with the bishop but cannot judge cases which the bishop reserves to himself.

§3. The judicial vicar can be given assistants who are called adjutant judicial vicars, or vice-officiales.

§4. Both the judicial vicar and adjutant judicial vicars must be priests, of unimpaired reputation, doctors or at least licensed in canon law, and not less than thirty years of age.

§5. When the see is vacant, they do not cease from their function and cannot be removed by the diocesan administrator; when the new bishop arrives, however, they need confirmation.

Can. 1421 §1. In a diocese, the bishop is to appoint diocesan judges, who are to be clerics.

§2. The conference of bishops can also permit the appointment of lay persons as judges; when it is necessary, one of them can be selected to form a college.

§3. Judges are to be of unimpaired reputation and doctors or at least licensed in canon law.

Can. 1422 The judicial vicar, adjutant judicial vicars, and other judges are appointed for a definite time, without prejudice to the prescript of ⇒ can. 1420, §5 and cannot be removed except for a legitimate and grave cause.

Can. 1423 §1. With the approval of the Apostolic See, several diocesan bishops can agree to establish a single tribunal of first instance for their dioceses in place of the diocesan tribunals mentioned in ⇒ cann. 1419-1421. In this case, the group of bishops or a bishop they designate has all the powers which a diocesan bishop has over his own tribunal.

§2. The tribunals mentioned in §1 can be established either for any cases whatsoever or only for certain types of cases.

Can. 1424 In any trial, a single judge can employ two assessors who consult with him; they are to be clerics or lay persons of upright life.

Can. 1425 §1. With every contrary custom reprobated, the following cases are reserved to a collegiate tribunal of three judges:

1/ contentious cases: a) concerning the bond of sacred ordination; b) concerning the bond of marriage, without prejudice to the prescripts of cann. ⇒ 1686 and ⇒ 1688;

2/ penal cases: a) concerning delicts which can entail the penalty of dismissal from the clerical state; b) concerning the imposition or declaration of an excommunication.

§2. The bishop can entrust more difficult cases or those of greater importance to the judgment of three or five judges.

§3. Unless the bishop establishes otherwise in individual cases, the judicial vicar is to assign the judges in order by turn to adjudicate individual cases.

§4. If it happens that a collegiate tribunal cannot be established in the first instance of a trial, the conference of bishops can permit the bishop, for as long as the impossibility continues, to entrust cases to a single clerical judge who is to employ an assessor and auditor where possible.

§5. The judicial vicar is not to substitute judges once they have been assigned except for a most grave cause expressed in a decree.

Can. 1426 §1. A collegiate tribunal must proceed collegially and render its sentences by majority vote.

§2. The judicial vicar or an adjutant judicial vicar must preside over a collegiate tribunal insofar as possible.

Can. 1427 §1. If there is a controversy between religious or houses of the same clerical religious institute of pontifical right, the judge of first instance is the provincial superior unless the constitutions provide otherwise; if it is an autonomous monastery, the local abbot judges in first instance.

§2. Without prejudice to a different prescript of the constitutions, if a contentious matter arises between two provinces, the supreme moderator will judge in first instance either personally or through a delegate; if the controversy is between two monasteries, the abbot superior of the monastic congregation will judge in first instance.

§3. Finally, if the controversy arises between physical or juridic religious persons of different religious institutes or of the same clerical institute of diocesan right or of the same lay institute, or between a religious and a secular cleric or lay person or a non-religious juridic person, the diocesan tribunal judges in first instance.

Art. 2. AUDITORS AND RELATORS

Can. 1428 §1. The judge or the president of a collegiate tribunal can designate an auditor, selected either from the judges of the tribunal or from persons the bishop approves for this function, to instruct the case.

§2. The bishop can approve for the function of auditor clerics or lay persons outstanding for their good character, prudence, and doctrine.

§3. It is for the auditor, according to the mandate of the judge, only to collect the proofs and hand those collected over to the judge. Unless the mandate of the judge prevents it, however, the auditor can in the meantime decide what proofs are to be collected and in what manner if a question may arise about this while the auditor exercises his or her function.

Can. 1429 The president of a collegiate tribunal must designate one of the judges of the college as the ponens or relator who is to report about the case at the meeting of the judges and put the sentence into writing. For a just cause the president can substitute another in place of the original relator.

Art. 3. THE PROMOTER OF JUSTICE, THE DEFENDER OF THE BOND, AND THE NOTARY

Can. 1430 A promoter of justice is to be appointed in a diocese for contentious cases which can endanger the public good and for penal cases; the promoter of justice is bound by office to provide for the public good.

Can. 1431 §1. In contentious cases, it is for the diocesan bishop to judge whether or not the public good can be endangered unless the intervention of the promoter of justice is prescribed by law or is clearly necessary from the nature of the matter.

§2. If the promoter of justice has intervened in a previous instance, such intervention is presumed necessary in a further instance.

Can. 1432 A defender of the bond is to be appointed in a diocese for cases concerning the nullity of sacred ordination or the nullity or dissolution of a marriage; the defender of the bond is bound by office to propose and explain everything which reasonably can be brought forth against nullity or dissolution.

Can. 1433 If the promoter of justice or defender of the bond was not cited in cases which require their presence, the acts are invalid unless they actually took part even if not cited or, after they have inspected the acts, at least were able to fulfill their function before the sentence.

Can. 1434 Unless other provision is expressly made:

1/ whenever the law requires the judge to hear either both or one of the parties, the promoter of justice and the defender of the bond must also be heard if they take part in the trial;

2/ whenever the request of a party is required in order for the judge to be able to decide something, the request of the promoter of justice or defender of the bond who takes part in the trial has the same force.

Can. 1435 It is for the bishop to appoint the promoter of justice and defender of the bond; they are to be clerics or lay persons, of unimpaired

reputation, doctors or licensed in canon law, and proven in prudence and zeal for justice.

Can. 1436 §1. The same person can hold the office of promoter of justice and defender of the bond but not in the same case.

§2. The promoter and the defender can be appointed for all cases or for individual cases; however, the bishop can remove them for a just cause.

Can. 1437 §1. A notary is to take part in any process, so much so that the acts are null if the notary has not signed them.

§2. Acts which notaries prepare warrant public trust.

CHAPTER II. THE TRIBUNAL OF SECOND INSTANCE

Can. 1438 Without prejudice to the prescript of ⇒ can. 1444, §1, n. 1:

1/ from the tribunal of a suffragan bishop, appeal is made to the metropolitan tribunal, without prejudice to the prescript of ⇒ can. 1439;

2/ in cases tried in first instance before the metropolitan, appeal is made to the tribunal which the metropolitan has designated in a stable manner with the approval of the Apostolic See;

3/ for cases tried before a provincial superior, the tribunal of second instance is under the authority of the supreme moderator; for cases tried before the local abbot, the tribunal of second instance is under the authority of the abbot superior of the monastic congregation.

Can. 1439 §1. If a single tribunal of first instance has been established for several dioceses according to the norm of Can. 1423, the conference of bishops must establish a tribunal of second instance with the approval of the Apostolic See unless the dioceses are all suffragan of the same archdiocese.

§2. With the approval of the Apostolic See, a conference of bishops can establish one or more tribunals of second instance in addition to the cases mentioned in §1.

§3. Over the tribunals of second instance mentioned in §§1-2, the conference of bishops or the bishop it designates has all the powers which a diocesan bishop has over his own tribunal.

Can. 1440 If competence by reason of grade according to the norm of cann. ⇒ 1438 and ⇒ 1439 is not observed, the incompetence of the judge is absolute.

Can. 1441 The tribunal of second instance must be established in the same way as the tribunal of first instance.

Nevertheless, if a single judge rendered a sentence in the first instance of the trial according to ⇒ can. 1425, §4, the tribunal of second instance is to proceed collegially.

CHAPTER III. THE TRIBUNALS OF THE APOSTOLIC SEE

Can. 1442 The Roman Pontiff is the supreme judge for the entire Catholic world; he renders judicial decisions personally, through the ordinary tribunals of the Apostolic See, or through judges he has delegated.

Can. 1443 The Roman Rota is the ordinary tribunal established by the Roman Pontiff to receive appeals.

Can. 1444 §1. The Roman Rota judges:

1/ in second instance, cases which have been adjudicated by the ordinary tribunals of first instance and brought before the Holy See through legitimate appeal;

2/ in third or further instance, cases which the Roman Rota or any other tribunals have already adjudicated unless the matter is a res iudicata.

§2. This tribunal also judges in first instance the cases mentioned in ⇒ can. 1405, §3 and others which the Roman Pontiff, either motu proprio or at the request of the parties, has called to his own tribunal and entrusted to the Roman Rota; unless the rescript entrusting the function provides otherwise, the Rota also judges these cases in second and further instance.

Can. 1445 §1. The supreme tribunal of the Apostolic Signatura adjudicates:

1/ complaints of nullity, petitions for restitutio in integrum and other recourses against rotal sentences;

2/ recourses in cases concerning the status of persons which the Roman Rota refused to admit to a new examination;

3/ exceptions of suspicion and other cases against the auditors of the Roman Rota for acts done in the exercise of their function;

4/ conflicts of competence mentioned in ⇒ can. 1416.

§2. This tribunal deals with conflicts which have arisen from an act of ecclesiastical administrative power and are brought before it legitimately, with other administrative controversies which the Roman Pontiff or the dicasteries of the Roman Curia bring before it, and with a conflict of competence among these dicasteries.

§3. Furthermore it is for this supreme tribunal:

1/ to watch over the correct administration of justice and discipline advocates or procurators if necessary;

2/ to extend the competence of tribunals;

3/ to promote and approve the erection of the tribunals mentioned in cann. ⇒ 1423 and ⇒ 1439.

TITLE III. THE DISCIPLINE TO BE OBSERVED IN TRIBUNALS (Cann. 1446 - 1475)

CHAPTER I. THE DUTY OF JUDGES AND MINISTERS OF THE TRIBUNAL

Can. 1446 §1. All the Christian faithful, and especially bishops, are to strive diligently to avoid litigation among the people of God as much as possible, without prejudice to justice, and to resolve litigation peacefully as soon as possible.

§2. Whenever the judge perceives some hope of a favorable outcome at the start of litigation or even at any other time, the judge is not to neglect to encourage and assist the parties to collaborate in seeking an equitable solution to the controversy and to indicate to them suitable means to this end, even by using reputable persons for mediation.

§3. If the litigation concerns the private good of the parties, the judge is to discern whether the controversy can be concluded advantageously by an agreement or the judgment of arbitrators according to the norm of ⇒ cann. 1713-1716.

Can. 1447 A person who has taken part in a case as a judge, promoter of justice, defender of the bond, procurator, advocate, witness, or expert cannot later in another instance validly decide the same case as judge or perform the function of assessor.

Can. 1448 §1. A judge is not to undertake the adjudication of a case in which the judge is involved by reason of consanguinity or affinity in any degree of the direct line and up to the fourth degree of the collateral line or by reason of trusteeship, guardianship, close acquaintance, great animosity, the making of a profit, or the avoidance of a loss.

§2. In these circumstances the promoter of justice, the defender of the bond, the assessor, and the auditor must abstain from their office.

Can. 1449 §1. If in the cases mentioned in ⇒ can. 1448 the judge does not withdraw, a party can lodge an objection against the judge.

§2. The judicial vicar deals with the objection; if the objection is lodged against him, the bishop who presides over the tribunal deals with it.

§3. If the bishop is the judge and the objection is lodged against him, he is to abstain from judging.

§4. If the objection is lodged against the promoter of justice, the defender of the bond, or other officials of the tribunal, the president in a collegiate tribunal or the single judge deals with this exception.

Can. 1450 If the objection is accepted, the persons must be changed but not the grade of the trial.

Can. 1451 §1. The question of an objection must be decided as promptly as possible (expeditissime) after the parties have been heard as well as the promoter of justice or defender of the bond, if they take part in the trial and are not the ones against whom the objection has been lodged.

§2. Acts placed by a judge before an objection is lodged are valid; nevertheless, those acts placed after the objection has been lodged must be rescinded if a party requests it within ten days from the acceptance of the objection.

Can. 1452 §1. In a matter which concerns private persons alone, a judge can proceed only at the request of a party.

Once a case has been legitimately introduced, however, the judge can and must proceed even ex officio in penal cases and other cases which regard the public good of the Church or the salvation of souls.

§2. Furthermore, the judge can supply for the negligence of the parties in furnishing proofs or in lodging exceptions whenever the judge considers it necessary in order to avoid a gravely unjust judgment, without prejudice to the prescripts of ⇒ can. 1600.

Can. 1453 Without prejudice to justice, judges and tribunals are to take care that all cases are completed as soon as possible and that in a tribunal of first instance they are not prolonged beyond a year and in a tribunal of second instance beyond six months.

Can. 1454 All who constitute a tribunal or assist it must take an oath to carry out their function correctly and faithfully.

Can. 1455 §1. Judges and tribunal personnel are always bound to observe secrecy of office in a penal trial, as well as in a contentious trial if the revelation of some procedural act could bring disadvantage to the parties.

§2. They are also always bound to observe secrecy concerning the discussion among the judges in a collegiate tribunal before the sentence is passed and concerning the various votes and opinions expressed there, without prejudice to the prescript of ⇒ can. 1609, §4.

§3. Whenever the nature of the case or the proofs is such that disclosure of the acts or proofs will endanger the reputation of others, provide opportunity for discord, or give rise to scandal or some other disadvantage, the judge can bind the witnesses, the experts, the parties, and their advocates or procurators by oath to observe secrecy.

Can. 1456 The judge and all officials of the tribunal are prohibited from accepting any gifts on the occasion of their acting in a trial.

Can. 1457 §1. The competent authority can punish with fitting penalties, not excluding privation from office, judges who refuse to render a judgment when they are certainly and manifestly competent, who declare themselves competent with no supporting prescript of law and adjudicate and decide cases, who violate the law of secrecy, or who inflict some other damage on the litigants out of malice or grave negligence.

§2. The ministers and personnel of a tribunal are subject to these same sanctions if they fail in their office as described above; the judge can also punish all of them.

CHAPTER II. THE ORDER OF ADJUDICATION

Can. 1458 Cases are to be adjudicated in the order in which they were presented and inscribed in the register unless one of them requires speedier treatment than the others; this fact must be established through a special decree which gives the substantiating reasons.

Can. 1459 §1. Defects which can render the sentence null can be introduced as exceptions at any stage or grade of the trial; the judge can likewise declare them ex officio.

§2. In addition to the cases mentioned in §1, dilatory exceptions, especially those which regard the persons and the manner of the trial, must be

proposed before the joinder of the issue unless they emerged after the issue was already joined; they must be decided as soon as possible.

Can. 1460 §1. If an exception is proposed against the competence of the judge, that judge must deal with the matter.

§2. In the case of an exception of relative incompetence, if the judge finds for competence, the decision does not admit of appeal; a complaint of nullity and restitutio in integrum, however, are not prohibited.

§3. If the judge finds for incompetence, however, the party who feels injured can appeal to the appellate tribunal within fifteen useful days.

Can. 1461 A judge who becomes aware of being absolutely incompetent at any stage of the case must declare the incompetence.

Can. 1462 §1. Exceptions of res iudicata, of agreement, and other peremptory exceptions which are called litis finitae must be proposed and adjudicated before the joinder of the issue. A person who proposes them later must not be rejected but is liable for expenses unless the person proves that the presentation was not delayed maliciously.

§2. Other peremptory exceptions are to be proposed during the joinder of the issue and must be treated at the proper time according to the rules for incidental questions.

Can. 1463 §1. Counterclaims cannot be proposed validly except within thirty days from the joinder of the issue.

§2. They are to be adjudicated, however, along with the original action, that is, in the same grade with it unless it is necessary to adjudicate them separately or the judge considers it more opportune to do so.

Can. 1464 Questions concerning the provision for judicial expenses or a grant of gratuitous legal assistance which had been requested from the very beginning and other such questions as a rule must be dealt with before the joinder of the issue.

CHAPTER III. TIME LIMITS AND DELAYS

Can. 1465 §1. Fatalia legis, that is, the time limits established by law for extinguishing rights, cannot be extended nor validly shortened unless the parties request it.

§2. Before the judicial or conventional time limits lapse, however, the judge can extend them for a just cause after the parties have been heard or if they request it; the judge, however, can never shorten those limits validly unless the parties agree.

§3. Nevertheless, the judge is to take care that such an extension does not overly prolong the litigation.

Can. 1466 When the law in no way establishes time limits for completing procedural acts, the judge must define them after having taken into consideration the nature of each act.

Can. 1467 If the tribunal is closed on the day scheduled for a judicial act, the time limit is extended to the first day following which is not a holiday.

CHAPTER IV. THE PLACE OF THE TRIAL

Can. 1468 Insofar as possible, every tribunal is to be in an established location open during stated hours.

Can. 1469 §1. A judge expelled by force from his territory or impeded from the exercise of jurisdiction there can exercise jurisdiction and render a sentence outside that territory; the diocesan bishop, however, is to be informed of this.

§2. In addition to the case mentioned in §1, for a just cause and after having heard the parties, the judge can also go outside the territory to acquire proofs. This is to be done, however, with the permission of the diocesan bishop of the place where the judge goes and in the location designated by that bishop.

CHAPTER V. PERSONS TO BE ADMITTED TO THE COURT AND THE MANNER OF PREPARING AND KEEPING THE ACTS

Can. 1470 §1. Unless particular law provides otherwise, while cases are being heard before the tribunal, only those persons are to be present in court whom the law or the judge has established as necessary to expedite the process.

§2. With appropriate penalties, the judge can call to task all those present at a trial who are gravely lacking in the respect and obedience due the tribunal; furthermore, the judge can also suspend advocates and procurators from the exercise of their function in ecclesiastical tribunals.

Can. 1471 If a person to be questioned speaks a language unknown to the judge or the parties, an interpreter designated by the judge and under oath is to be used. The statements, however, are to be put into writing in the original language and a translation added. An interpreter is also to be used if a speech or hearing impaired person must be questioned unless the judge may prefer the person to answer the questions in writing.

Can. 1472 §1. The judicial acts, both the acts of the case, that is, those regarding the merit of the question, and the acts of the process, that is, those pertaining to the procedure, must be put in writing.

§2. The individual pages of the acts are to be numbered and authenticated.

Can. 1473 Whenever judicial acts require the signature of the parties or witnesses and the party or witness is unable or unwilling to sign, this is to be noted in the acts; the judge and the notary are also to attest that the act was read to the party or the witness verbatim and that the party or the witness was either not able or unwilling to sign.

Can. 1474 §1. In the case of an appeal, a copy of the acts authenticated by the attestation of a notary is to be sent to the higher tribunal.

§2. If the acts were written in a language unknown to the higher tribunal, they are to be translated into one known to that tribunal, with due precautions taken that the translation is a faithful one.

Can. 1475 §1. When the trial has been completed, documents which belong to private persons must be returned; a copy of them, however, is to be

retained.

§2. Without a mandate of the judge, notaries and the chancellor are forbidden to furnish a copy of the judicial acts and documents acquired in the process.

CHAPTER I. The Petitioner and the Respondent

Can. 1476 Anyone, whether baptized or not, can bring action in a trial; however, a party legitimately summoned must respond.

Can. 1477 Even if the petitioner or respondent has appointed a procurator or advocate, they themselves are nevertheless always bound to be present at the trial according to the prescript of the law or of the judge.

Can. 1478 §1. Minors and those who lack the use of reason can stand trial only through their parents, guardians, or curators, without prejudice to the prescript of §3.

§2. If the judge thinks that the rights of minors are in conflict with the rights of the parents, guardians, or curators or that the latter cannot adequately protect the rights of the former, then the minors are to stand trial through a guardian or curator appointed by the judge.

§3. Nevertheless, in spiritual cases and those connected with spiritual matters, if the minors have attained the use of reason, they can petition and respond without the consent of their parents or guardian. They can do so personally if they have completed their fourteenth year of age; otherwise, they do so through the curator appointed by the judge.

§4. Those deprived of the administration of goods and those of diminished mental capacity can stand trial personally only to answer for their own delicts or at the order of the judge; otherwise, they must petition and respond through their curators.

Can. 1479 Whenever a guardian or curator appointed by civil authority is present, the ecclesiastical judge can admit the guardian or curator after having heard, if possible, the diocesan bishop of the person to whom the guardian or curator was given; if the guardian or curator is not present or

does not seem admissible, the judge will appoint a guardian or curator for the case.

Can. 1480 §1. Juridic persons stand trial through their legitimate representatives.

§2. In a case of the lack of or negligence of the representative, however, the ordinary himself can stand trial personally or through another in the name of juridic persons subject to his authority.

CHAPTER II. PROCURATORS FOR LITIGATION AND ADVOCATES

Can. 1481 §1. A party can freely appoint an advocate and procurator; except for the cases established in §§2 and 3, however, the party can also petition and respond personally unless the judge has decided that the services of a procurator or advocate are necessary.

§2. In a penal trial, the accused must always have an advocate either appointed personally or assigned by the judge.

§3. In a contentious trial which involves minors or in a trial which affects the public good, with the exception of marriage cases, the judge is to appoint ex officio a defender for a party who does not have one.

Can. 1482 §1. A person can appoint only one procurator who cannot substitute another unless the procurator has been given the expressed faculty to do so.

§2. If a person appoints several procurators for a just cause, however, they are to be designated in such a way that prevention is operative among them.

§3. Nevertheless, several advocates can be appointed together.

Can. 1483 The procurator and advocate must have attained the age of majority and be of good reputation; moreover, the advocate must be a Catholic unless the diocesan bishop permits otherwise, a doctor in canon law or otherwise truly expert, and approved by the same bishop.

Can. 1484 §1. Before the procurator and advocate undertake their function, they must present an authentic mandate to the tribunal.

§2. To prevent the extinction of a right, however, the judge can admit a procurator even if the mandate has not been presented, once a suitable guarantee has been furnished if the case warrants it; the act, however, lacks any force if the procurator does not correctly present the mandate within the peremptory time established by the judge.

Can. 1485 Without a special mandate, a procurator cannot validly renounce an action, an instance, or judicial acts nor come to an agreement, make a bargain, enter into arbitration, or in general do those things for which the law requires a special mandate.

Can. 1486 §1. For the removal of a procurator or advocate to take effect, they must be informed; if the issue has already been joined, the judge and the opposing party must also be informed about the removal.

§2. After the definitive sentence has been issued, the right and duty to appeal, if the mandating person does not refuse, remains with the procurator.

Can. 1487 For a grave cause, the judge either ex officio or at the request of the party can remove the procurator and the advocate by decree.

Can. 1488 §1. Both the procurator and the advocate are forbidden to resolve the litigation by bribery or to make an agreement for an excessive profit or for a share in the object in dispute. If they do so, the agreement is null, and the judge can fine them. Moreover, the bishop who presides over the tribunal can suspend the advocate from office and even remove him or her from the list of advocates if it happens again.

§2. Advocates and procurators can be punished in the same way if in deceit of the law they withdraw cases from competent tribunals so that the cases will be decided more favorably by other tribunals.

Can. 1489 Advocates and procurators who betray their office for gifts, promises, or any other reason are to be suspended from the exercise of legal

assistance and punished with a fine or other suitable penalties.

Can. 1490 As far as possible, legal representatives are to be appointed in a stable manner in each tribunal, who receive a stipend from the tribunal and are to exercise, especially in marriage cases, the function of advocate or procurator on behalf of parties who wish to select them.

TITLE V. ACTIONS AND EXCEPTIONS (Cann. 1491 - 1500)

CHAPTER I. ACTIONS AND EXCEPTIONS IN GENERAL

Can. 1491 Every right is protected not only by an action but also by an exception unless other provision is expressly made.

Can. 1492 §1. Every action is extinguished by prescription according to the norm of law or by some other legitimate means, with the exception of actions concerning the status of persons, which are never extinguished.

§2. Without prejudice to the prescript of ⇒ can. 1462, an exception is always available and is perpetual by its very nature.

Can. 1493 A petitioner can bring a person to trial with several actions at once, either concerning the same or different matters, so long as the actions do not conflict among themselves and do not exceed the competence of the tribunal approached.

Can. 1494 §1. The respondent can file a counterclaim against the petitioner before the same judge in the same trial either because of the connection of the case with the principal action or to remove or diminish the claim of the petitioner.

§2. A counterclaim to a counterclaim is not allowed.

Can. 1495 The counterclaim must be presented to the judge before whom the first action was filed even if the judge was delegated for only one case or is otherwise relatively incompetent.

CHAPTER II. SPECIFIC ACTIONS AND EXCEPTIONS

Can. 1496 §1. A person, who through at least probable arguments has shown a right over something held by another and the threat of damage unless the thing is placed in safekeeping, has the right to obtain its sequestration from the judge.

§2. In similar circumstances, a person can obtain an order to restrain another from the exercise of a right.

Can. 1497 §1. Sequestration of a thing is also allowed as security for a loan provided that the right of the creditor is sufficiently evident.

§2. Sequestration can also be extended to the goods of the debtor which are discovered in the possession of others under any title and to the loans of the debtor.

Can. 1498 Sequestration of a thing and restraint upon the exercise of a right can in no way be decreed if the harm which is feared can be repaired in another way and suitable security for its repair is offered.

Can. 1499 A judge who grants the sequestration of a thing or a restraint upon the exercise of a right can first impose an obligation upon the person to compensate for damages if that person's right is not proven.

Can. 1500 The prescripts of the civil law of the place where the object whose possession is in question is located are to be observed regarding the nature and force of a possessory action.

TITLE I. THE INTRODUCTION OF THE CASE (Cann. 1501 - 1512)

CHAPTER I. The Introductory Libellus of Litigation

Can. 1501 A judge cannot adjudicate a case unless the party concerned or the promoter of justice has presented a petition according to the norm of the canons.

Can. 1502 A person who wishes to bring another to trial must present to a competent judge a libellus which sets forth the object of the controversy and requests the services of the judge.

Can. 1503 §1. The judge can accept an oral petition whenever the petitioner is impeded from presenting a libellus or the case is easily investigated and of lesser importance.

§2. In either case, however, the judge is to order the notary to put the act into writing; the written record must be read to and approved by the petitioner and has all the legal effects of a libellus written by the petitioner.

Can. 1504 The libellus, which introduces litigation, must:

1/ express the judge before whom the case is introduced, what is being sought and by whom it is being sought;

2/ indicate the right upon which the petitioner bases the case and, at least generally, the facts and proofs which will prove the allegations;

3/ be signed by the petitioner or the petitioner's procurator, indicating the day, month, and year, and the address where the petitioner or procurator lives or where they say they reside for the purpose of receiving the acts;

4/ indicate the domicile or quasi-domicile of the respondent.

Can. 1505 §1. When a single judge or the president of a collegiate tribunal has seen that the matter is within his competence and the petitioner does not lack legitimate personal standing in the trial, he must accept or reject the libellus as soon as possible by decree.

§2. A libellus can be rejected only:

1/ if the judge or tribunal is incompetent;

2/ if without doubt it is evident that the petitioner lacks legitimate personal standing in the trial;

3/ if the prescripts of ⇒ can. 1504, nn. 1-3 have not been observed;

4/ if it is certainly clear from the libellus itself that the petition lacks any basis and that there is no possibility that any such basis will appear through

a process.

§3. If the libellus has been rejected because of defects which can be corrected, the petitioner can resubmit a new, correctly prepared libellus to the same judge.

§4. A party is always free within ten available days to make recourse with substantiating reasons against the rejection of a libellus either to the appellate tribunal or to the college if the libellus was rejected by the presiding judge; the question of the rejection is to be decided as promptly as possible (expeditissime).

Can. 1506 If within a month from the presentation of the libellus the judge has not issued a decree which accepts or rejects the libellus according to the norm of ⇒ can. 1505, the interested party can insist that the judge fulfill his function. If the judge takes no action within ten days from the request, then the libellus is to be considered as accepted.

CHAPTER II. THE CITATION AND NOTIFICATION OF JUDICIAL ACTS

Can. 1507 §1. In the decree which accepts the libellus of the petitioner, the judge or the presiding judge must call the other parties to trial, that is, cite them to the joinder of the issue, establishing whether they must respond in writing or present themselves before the judge to come to agreement about the doubts. If from the written responses the judge perceives it necessary to convene the parties, the judge can establish that by a new decree.

§2. If the libellus is considered as accepted according to the norm of ⇒ can. 1506, the decree of citation to the trial must be issued within twenty days from the request mentioned in that canon.

§3. If the litigating parties de facto present themselves before the judge to pursue the case, however, there is no need for a citation, but the notary is to note in the acts that the parties were present for the trial.

Can. 1508 §1. The decree of citation to the trial must be communicated immediately to the respondent and at the same time to others who must appear.

§2. The libellus which introduces litigation is to be attached to the citation unless for grave causes the judge determines that the libellus must not be made known to the party before that party makes a deposition in the trial.

§3. If litigation is introduced against someone who does not have the free exercise of his or her rights or the free administration of the things in dispute, the citation must be communicated, as the case may be, to the guardian, curator, or special procurator, that is, the one who is bound to undertake the trial in the name of that person according to the norm of law.

Can. 1509 §1. The notification of citations, decrees, sentences, and other judicial acts must be made through the public postal services or by some other very secure method according to the norms established in particular law.

§2. The fact of notification and its method must be evident in the acts.

Can. 1510 A respondent who refuses to accept the document of citation or who prevents its delivery is considered to be legitimately cited.

Can. 1511 If the citation was not communicated legitimately, the acts of the process are null, without prejudice to the prescript of ⇒ can. 1507, §3.

Can. 1512 When the citation has been communicated legitimately or the parties have appeared before the judge to pursue the case:

1/ the matter ceases to be res integra;

2/ the case becomes proper to the otherwise competent judge or tribunal before which the action was initiated;

3/ the jurisdiction of a delegated judge is fixed in such a way that it does not cease when the authority of the one delegating expires;

4/ prescription is interrupted unless other provision is made;

5/ the litigation begins to be pending; therefore, the principle while litigation is pending, nothing is to be altered immediately takes effect.

TITLE II. THE JOINDER OF THE ISSUE (Cann. 1513 - 1516)

Can. 1513 §1. The joinder of the issue (contestatio litis) occurs when the terms of the controversy, derived from the petitions and responses of the parties, are defined through a decree of the judge.

§2. The petitions and responses of the parties, besides those in the libellus which introduces the litigation, can be expressed either in a response to the citation or in the oral declarations made before the judge; in more difficult cases, however, the judge must convene the parties to resolve the doubt or doubts which must be answered in the sentence.

§3. The decree of the judge must be communicated to the parties; unless they have already agreed to the terms, the parties can make recourse to the judge within ten days in order to change them; a decree of the judge, however, must resolve the question as promptly as possible (expeditissime).

Can. 1514 Once established, the terms of the controversy cannot be changed validly except by a new decree, for a grave cause, at the request of a party, and after the other parties have been heard and their arguments considered.

Can. 1515 After the issue has been joined, the possessor of the property of another ceases to be in good faith; therefore, if the possessor is sentenced to restore the property, the person must also return the profits made from the day of the joinder and repair any damages.

Can. 1516 After the issue has been joined, the judge is to prescribe a suitable time for the parties to present and complete the proofs.

TITLE III. THE TRIAL OF THE LITIGATION (Cann. 1517 - 1525)

Can. 1517 A trial begins with the citation; it ends not only by the pronouncement of a definitive sentence but also by other methods defined by law.

Can. 1518 If the litigating party dies, changes status, or ceases from the office in virtue of which action is taken:

1/ if the case has not yet been concluded, the trial is suspended until the heir of the deceased, the successor, or an interested party resumes the litigation;

2/ if the case has been concluded, the judge must proceed to the additional acts, after having cited the procurator, if there is one, or otherwise the heir of the deceased or the successor.

Can. 1519 §1. If the guardian, curator, or procurator who is necessary according to the norm of ⇒ can. 1481, §§1 and 3 ceases from that function, the trial is suspended in the meantime.

§2. The judge, however, is to appoint another guardian or curator as soon as possible; the judge can appoint a procurator for the litigation if the party has neglected to do so within the brief time period established by the judge.

Can. 1520 If the parties, without any impediment, propose no procedural act for six months, the trial is abated.

Particular law can establish other terms of abatement.

Can. 1521 Abatement takes effect by the law itself against all persons, including minors or those equivalent to minors, and must be declared ex officio, without prejudice to the right of seeking indemnity against guardians, curators, administrators, or procurators, who have not proved that they were not negligent.

Can. 1522 Abatement extinguishes the acts of the process but not the acts of the case; indeed these acts can also have force in another trial provided that the case involves the same persons and the same issue; regarding those not party to the case, however, the acts have no force other than that of documents.

Can. 1523 Each litigant is to bear the expenses of the abated trial which that litigant has incurred.

Can. 1524 §1. The petitioner can renounce the trial at any stage or grade of the trial; likewise both the petitioner and the respondent can renounce either all or only some of the acts of the process.

§2. To renounce a trial, guardians and administrators of juridic persons need the counsel or consent of those whose involvement is required to place acts which exceed the limits of ordinary administration.

§3. To be valid, a renunciation must be written and signed by the party or by a procurator of the party who has a special mandate to do so; it must be communicated to the other party, accepted or at least not challenged by that party, and accepted by the judge.

Can. 1525 A renunciation accepted by the judge has the same effects for the acts renounced as the abatement of the trial; it also obliges the renouncing party to pay the expenses for the acts renounced.

TITLE IV. PROOFS (Cann. 1526 - 1586)

Can. 1526 §1. The burden of proof rests upon the person who makes the allegation.

§2. The following do not need proof:

1/ matters presumed by the law itself;

2/ facts alleged by one of the contending parties and admitted by the other unless the law or the judge nevertheless requires proof.

Can. 1527 §1. Proofs of any kind which seem useful for adjudicating the case and are licit can be brought forward.

§2. If a party insists that a proof rejected by a judge be accepted, the judge is to decide the matter as promptly as possible (expeditissime).

Can. 1528 If a party or a witness refuses to appear before the judge to testify, it is permissible to hear them through a lay person designated by the judge or to require of them a declaration either before a notary public or in any other legitimate manner.

Can. 1529 Except for a grave cause, the judge is not to proceed to collect the proofs before the joinder of the issue.

CHAPTER I. THE DECLARATIONS OF THE PARTIES

Can. 1530 The judge can always question the parties to draw out the truth more effectively and indeed must do so at the request of a party or to prove a fact which the public interest requires to be placed beyond doubt.

Can. 1531 §1. A party legitimately questioned must respond and must tell the whole truth.

§2. If a party refuses to respond, it is for the judge to decide what can be inferred from that refusal concerning the proof of the facts.

Can. 1532 In cases where the public good is at stake, the judge is to administer an oath to the parties to tell the truth or at least to confirm the truth of what they have said unless a grave cause suggests otherwise; the same can be done in other cases according to the judge's own prudence.

Can. 1533 The parties, the promoter of justice, and the defender of the bond can present the judge with items about which the party is to be questioned.

Can. 1534 The provisions of cann. ⇒ 1548, §2, n. 1, ⇒ 1552, and ⇒ 1558-1565 concerning witnesses are to be observed to the extent possible when questioning the parties.

Can. 1535 A judicial confession is the written or oral assertion of some fact against oneself before a competent judge by any party concerning the matter of the trial, whether made spontaneously or while being questioned by the judge.

Can. 1536 §1. The judicial confession of one party relieves the other parties from the burden of proof if it concerns some private matter and the public good is not at stake.

§2. In cases which regard the public good, however, a judicial confession and declarations of the parties which are not confessions can have a probative force which the judge must evaluate together with the other circumstances of the case; the force of full proof cannot be attributed to

them, however, unless other elements are present which thoroughly corroborate them.

Can. 1537 After considering all the circumstances, it is for the judge to decide how much value must be accorded an extrajudicial confession introduced into the trial.

Can. 1538 A confession or any other declaration of a party lacks any force if it is shown that it was made due to an error of fact or extorted by force or grave fear.

CHAPTER II. PROOF THROUGH DOCUMENTS

Can. 1539 In any kind of trial, proof by means of both public and private documents is allowed.

Art. 1.THE NATURE AND TRUSTWORTHINESS OF DOCUMENTS

Can. 1540 §1. Public ecclesiastical documents are those which a public person has drawn up in the exercise of that person's function in the Church, after the solemnities prescribed by law have been observed.

§2. Public civil documents are those which the laws of each place consider to be such.

§3. Other documents are private.

Can. 1541 Unless contrary and evident arguments prove otherwise, public documents are to be trusted concerning everything which they directly and principally affirm.

Can. 1542 A private document, whether acknowledged by a party or approved by the judge, has the same force of proof against the author or signatory and those deriving a case from them as an extrajudicial confession. It has the same force against those who are not parties to the case as declarations of the parties which are not confessions, according to the norm of ⇒ can. 1536, §2.

Can. 1543 If the documents are shown to have been erased, emended, falsified, or otherwise defective, it is for the judge to decide what value, if any, must be afforded them.

Art. 2. THE PRESENTATION OF DOCUMENTS

Can. 1544 Documents do not have probative force in a trial unless they are originals or authentic copies and deposited at the tribunal chancery so that the judge and the opposing party can examine them.

Can. 1545 The judge can order a document common to both parties to be presented in the process.

Can. 1546 §1. Even if documents are common, no one is bound to present those which cannot be communicated without danger of harm according to the norm of ⇒ can. 1548, §2, n. 2 or without danger of violating an obligation to observe secrecy.

§2. Nonetheless, if at least some small part of a document can be transcribed and presented in copy without the above-mentioned disadvantages, the judge can decree that it be produced.

CHAPTER III. WITNESSES AND TESTIMONIES

Can. 1547 Proof by means of witnesses is allowed under the direction of the judge in cases of any kind.

Can. 1548 §1. When the judge questions witnesses legitimately, they must tell the truth.

§2. Without prejudice to the prescript of ⇒ can. 1550, §2, n. 2, the following are exempted from the obligation to respond:

1/ clerics regarding what has been made known to them by reason of sacred ministry; civil officials, physicians, midwives, advocates, notaries, and others bound by professional secrecy even by reason of having given advice, regarding those matters subject to this secrecy;

2/ those who fear that from their own testimony ill repute, dangerous hardships, or other grave evils will befall them, their spouses, or persons related to them by consanguinity or affinity.

Art. 1. THOSE WHO CAN BE WITNESSES

Can. 1549 All persons can be witnesses unless the law expressly excludes them in whole or in part.

Can. 1550 §1. Minors below the fourteenth year of age and those of limited mental capacity are not allowed to give testimony; they can, however, be heard by a decree of the judge which declares such a hearing expedient.

§2. The following are considered incapable:

1/ the parties in the case or those who stand for the parties at the trial, the judge and the judge's assistants, the advocate, and others who assist or have assisted the parties in the same case;

2/ priests regarding all matters which they have come to know from sacramental confession even if the penitent seeks their disclosure; moreover, matters heard by anyone and in any way on the occasion of confession cannot be accepted even as an indication of the truth.

Art. 2. THE INTRODUCTION AND EXCLUSION OF WITNESSES

Can. 1551 The party who has introduced a witness can renounce the examination of that witness; the opposing party, however, can request that the witness be examined nevertheless.

Can. 1552 §1. When proof through witnesses is requested, their names and domicile are to be communicated to the tribunal.

§2. The items of discussion about which questioning of the witnesses is sought are to be presented within the time period set by the judge; otherwise, the request is to be considered as abandoned.

Can. 1553 It is for the judge to curb an excessive number of witnesses.

Can. 1554 Before the witnesses are examined, their names are to be communicated to the parties; if in the prudent judgment of the judge, however, that cannot be done without grave difficulty, it is to be done at least before the publication of the testimonies.

Can. 1555 Without prejudice to the prescript of ⇒ can. 1550, a party can request the exclusion of a witness if a just cause for the exclusion is shown before the questioning of the witness.

Can. 1556 The citation of a witness occurs through a decree of the judge legitimately communicated to the witness.

Can. 1557 A witness who has been cited properly is to appear or to inform the judge of the reason for the absence.

Art. 3. THE EXAMINATION OF WITNESSES

Can. 1558 §1. Witnesses must be examined at the tribunal unless the judge deems otherwise.

§2. Cardinals, patriarchs, bishops, and those who possess a similar favor by civil law are to be heard in the place they select.

§3. The judge is to decide where to hear those for whom it is impossible or difficult to come to the tribunal because of distance, sickness, or some impediment, without prejudice to the prescripts of cann. ⇒ 1418 and ⇒ 1469, §2.

Can. 1559 The parties cannot be present at the examination of the witnesses unless the judge has decided to admit them, especially when the matter concerns a private good. Their advocates or procurators, however, can be present unless the judge has decided that the examination must proceed in secret due to the circumstances of the matters and persons.

Can. 1560 §1. Each witness must be examined separately.

§2. If witnesses disagree among themselves or with a party in a grave matter, the judge, after having removed discord and scandal insofar as possible, can have those who disagree meet together or confront one another.

Can. 1561 The judge, the judge's delegate, or an auditor examines the witness; the examiner must have the assistance of a notary. Consequently, if the parties, the promoter of justice, the defender of the bond, or the advocates present at the examination have any questions to be put to the witness, they are to propose them not to the witness but to the judge or the one who takes the place of the judge, who is to ask the questions, unless particular law provides otherwise.

Can. 1562 §1. The judge is to call to the attention of the witness the grave obligation to speak the whole truth and only the truth.

§2. The judge is to administer an oath to the witness according to ⇒ can. 1532; a witness who refuses to take it, however, is to be heard without the oath.

Can. 1563 The judge is first of all to establish the identity of the witness, then ask what relationship the witness has with the parties, and, when addressing specific questions to the witness concerning the case, also inquire about the sources of his or her knowledge and the precise time when the witness learned what he or she asserts.

Can. 1564 The questions are to be brief, accommodated to the mental capacity of the person being questioned, not comprised of several points at the same time, not deceitful or deceptive or suggestive of a response, free from any kind of offense, and pertinent to the case being tried.

Can. 1565 §1. Questions must not be communicated to the witnesses beforehand.

§2. Nonetheless, if the matters about which testimony must be given are so remote to memory that they cannot be affirmed with certainty unless previously recalled, the judge can advise the witness beforehand on some matters if the judge thinks this can be done without danger.

Can. 1566 Witnesses are to give testimony orally and are not to read written materials unless they are computations and accounts; in this case, they can consult the notes which they brought with them.

Can. 1567 §1. The notary is to write down the response immediately and must report the exact words of the testimony given, at least in what pertains to those points which touch directly upon the material of the trial.

§2. The use of a tape recorder can be allowed, provided that the responses are afterwards transcribed and, if possible, signed by the deponents.

Can. 1568 The notary is to make mention in the acts of whether the oath was taken, excused, or refused, of the presence of the parties and other persons, of the questions added ex officio, and in general of everything worth remembering which may have occurred while the witnesses were being examined.

Can. 1569 §1. At the end of the examination, what the notary has written down from the deposition must be read to the witness, or what has been recorded with the tape recorder during the deposition must be played, giving the witness the opportunity to add, suppress, correct, or change it.

§2. Finally, the witness, the judge, and the notary must sign the acts.

Can. 1570 Although already examined, witnesses can be recalled for examination before the acts or testimonies are published, either at the request of a party or ex officio, if the judge decides it is necessary or useful, provided that there is no danger of collusion or corruption.

Can. 1571 Both the expenses which the witnesses incurred and the income which they lost by giving testimony must be reimbursed to them according to the just assessment of the judge.

Art. 4. THE TRUSTWORTHINESS OF TESTIMONIES

Can. 1572 In evaluating testimony, the judge, after having requested testimonial letters if necessary, is to consider the following:

1/ what the condition or reputation of the person is;

2/ whether the testimony derives from personal knowledge, especially from what has been seen or heard personally, or whether from opinion, rumor, or hearsay;

3/ whether the witness is reliable and firmly consistent or inconsistent, uncertain, or vacillating;

4/ whether the witness has co-witnesses to the testimony or is supported or not by other elements of proof.

Can. 1573 The testimony of one witness cannot produce full proof unless it concerns a qualified witness making a deposition concerning matters done ex officio, or unless the circumstances of things and persons suggest otherwise.

CHAPTER IV. EXPERTS

Can. 1574 The assistance of experts must be used whenever the prescript of a law or of the judge requires their examination and opinion based on the precepts of art or science in order to establish some fact or to discern the true nature of some matter.

Can. 1575 After having heard the parties and their suggestions, it is for the judge to appoint the experts or, if the case warrants, to accept reports already drawn up by other experts.

Can. 1576 Experts are excluded or can be objected to for the same reasons as a witness.

Can. 1577 §1. Attentive to what the litigants may bring forward, the judge is to determine in a decree the individual items upon which the services of the expert must focus.

§2. The acts of the case and other documents and aids which the expert can need to fulfill his or her function correctly and faithfully must be turned over to the expert.

§3. After having heard the expert, the judge is to determine the time within which the expert must complete the examination and produce the report.

Can. 1578 §1. Each of the experts is to prepare a report separate from the others unless the judge decrees that one report signed by the experts individually be drawn up; if this is done, differences of opinion, if there are any, are to be noted carefully.

§2. Experts must indicate clearly by what documents or other suitable means they gained certainty of the identity of the persons, things, or places, by what manner and method they proceeded in fulfilling the function entrusted to them, and above all on which arguments they based their conclusions.

§3. The judge can summon the expert to supply explanations which later seem necessary.

Can. 1579 §1. The judge is to weigh carefully not only the conclusions of the experts, even if they are in agreement, but also the other circumstances of the case.

§2. When giving reasons for the decision, the judge must express what considerations prompted him or her to accept or reject the conclusions of the experts.

Can. 1580 The judge must justly and equitably determine the expenses and fees to be paid to the experts, with due regard for particular law.

Can. 1581 §1. The parties can designate private experts whom the judge must approve.

§2. If the judge allows them, the private experts can inspect the acts of the case insofar as necessary and attend the presentation of the expert testimony; moreover, they can always present their own report.

CHAPTER V. JUDICIAL EXAMINATION AND INSPECTION

Can. 1582 If, in order to decide a case, the judge considers it opportune to visit some place or to inspect some thing, the judge, after having heard the

parties, is to order it by a decree describing in summary fashion those things which must be exhibited during the visit or inspection.

Can. 1583 When the visit or inspection has been completed, a report about it is to be drafted.

CHAPTER VI. PRESUMPTIONS

Can. 1584 A presumption is a probable conjecture about an uncertain matter; a presumption of law is one which the law itself establishes; a human presumption is one which a judge formulates.

Can. 1585 A person who has a favorable presumption of law is freed from the burden of proof, which then falls to the other party.

Can. 1586 The judge is not to formulate presumptions which are not established by law unless they are directly based on a certain and determined fact connected with the matter in dispute.

TITLE V. INCIDENTAL CASES (Cann. 1587 - 1597)

Can. 1587 An incidental case arises whenever, after the trial has begun through the citation, a question is proposed which nevertheless pertains to the case in such a way that it frequently must be resolved before the principal question, even if it was not expressly contained in the libellus which introduced the litigation.

Can. 1588 An incidental case is proposed in writing or orally before the judge competent to decide the principal case, indicating the connection between this and the principal case.

Can. 1589 §1. After having received the petition and heard the parties, the judge is to decide as promptly as possible (expeditissime) whether the proposed incidental question seems to have a foundation and a connection with the principal trial or rather must be rejected at the outset. If the judge admits the incidental question, the judge is to decide whether it is of such gravity that it must be resolved by an interlocutory sentence or by a decree.

§2. If the judge decides not to resolve the incidental question before the definitive sentence, however, the judge is to decree that the question will be considered when the principal case is decided.

Can. 1590 §1. If the incidental question must be resolved by sentence, the norms for the oral contentious process are to be observed unless the judge decides otherwise due to the gravity of the matter.

§2. If the matter must be resolved by decree, however, the tribunal can entrust the matter to an auditor or the presiding judge.

Can. 1591 Before the principal case is completed, the judge or the tribunal can revoke or reform the decree or interlocutory sentence for a just reason either at the request of a party or ex officio after the parties have been heard.

CHAPTER I. PARTIES WHO DO NOT APPEAR

Can. 1592 §1. If the cited respondent has neither appeared nor given a suitable excuse for being absent or has not responded according to the norm of ⇒ can. 1507, §1, the judge, having observed what is required, is to declare the respondent absent from the trial and decree that the case is to proceed to the definitive sentence and its execution.

§2. Before issuing the decree mentioned in §1, the judge must be certain that a legitimately executed citation has reached the respondent within the useful time, even by issuing a new citation if necessary.

Can. 1593 §1. If the respondent appears at the trial later or responds before a decision in the case, the respondent can offer conclusions and proofs, without prejudice to the prescript of ⇒ can. 1600; the judge, however, is to take care that the trial is not prolonged intentionally through longer and unnecessary delays.

§2. Even if the respondent did not appear or respond before a decision in the case, the respondent can use challenges against the sentence; if the respondent proves that there was a legitimate impediment for being

detained and there was no personal fault in its not being made known beforehand, the respondent can use a complaint of nullity.

Can. 1594 If the petitioner has not appeared on the day and at the hour prescribed for the joinder of the issue and has not offered a suitable excuse:

1/ the judge is to cite the petitioner again;

2/ if the petitioner does not comply with the new citation, the petitioner is presumed to have renounced the trial according to the norm of cann. ⇒ 1524-1525;

3/ if the petitioner later wishes to intervene in the process, ⇒ can. 1593 is to be observed.

Can. 1595 §1. A petitioner or respondent who is absent from the trial and has not given proof of a just impediment is obliged both to pay the expenses of the litigation which have accrued because of the absence and to indemnify the other party if necessary.

§2. If both the petitioner and the respondent were absent from the trial, they are obliged in solidum to pay the expenses of the litigation.

CHAPTER II. THE INTERVENTION OF A THIRD PERSON IN A CASE

Can. 1596 §1. A person who has an interest can be admitted to intervene in a case at any instance of the litigation, either as a party defending a right or in an accessory manner to help a litigant.

§2. To be admitted, the person must present a libellus to the judge before the conclusion of the case; in the libellus the person briefly is to demonstrate his or her right to intervene.

§3. A person who intervenes in a case must be admitted at that stage which the case has reached, with a brief and peremptory period of time assigned to the person to present proofs if the case has reached the probatory period.

Can. 1597 After having heard the parties, the judge must summon to the trial a third person whose intervention seems necessary.

TITLE VI. THE PUBLICATION OF THE ACTS, THE CONCLUSION OF THE CASE, AND THE DISCUSSION OF THE CASE (Cann. 1598 - 1606)

Can. 1598 §1. After the proofs have been collected, the judge by a decree must permit the parties and their advocates, under penalty of nullity, to inspect at the tribunal chancery the acts not yet known to them; furthermore, a copy of the acts can also be given to advocates who request one. In cases pertaining to the public good to avoid a most grave danger the judge can decree that a specific act must be shown to no one; the judge is to take care, however, that the right of defense always remains intact.

§2. To complete the proofs, the parties can propose additional proofs to the judge. When these proofs have been collected, it is again an occasion for the decree mentioned in §1 if the judge thinks it necessary.

Can. 1599 §1. When everything pertaining to the production of proofs has been completed, the conclusion of the case is reached.

§2. This conclusion occurs whenever the parties declare that they have nothing else to add, the useful time prescribed by the judge to propose proofs has elapsed, or the judge declares that the case is instructed sufficiently.

§3. The judge is to issue a decree that the case has reached its conclusion, in whatever manner it has occurred.

Can. 1600 §1. After the conclusion of the case, the judge can still summon the same or other witnesses or arrange for other proofs which were not requested earlier, only:

1/ in cases which concern the private good of the parties alone, if all the parties consent;

2/ in other cases, after the parties have been heard and provided that there is a grave reason and any danger of fraud or subornation is eliminated;

3/ in all cases whenever it is likely that the sentence will be unjust because of the reasons mentioned in ⇒ can. 1645, §2, nn. 1-3 unless the new proof is allowed.

§2. The judge, moreover, can order or allow a document to be shown, which may have been unable to be shown earlier through no negligence of the interested person.

§3. New proofs are to be published according to ⇒ can. 1598, §1.

Can. 1601 After the conclusion of the case, the judge is to determine a suitable period of time to present defense briefs or observations.

Can. 1602 §1. The defense briefs and the observations are to be written unless the judge, with the consent of the parties, considers a debate before a session of the tribunal to be sufficient.

§2. To print the defense briefs along with the principal documents requires the previous permission of the judge, without prejudice to the obligation of secrecy, if such exists.

§3. The regulations of the tribunal are to be observed regarding the length of the defense briefs, the number of copies, and other matters of this kind.

Can. 1603 §1. When the defense briefs and observations have been communicated to each party, either party is permitted to present responses within the brief time period established by the judge.

§2. The parties are given this right only once unless the judge decides that it must be granted a second time for a grave cause; then, however, the grant made to one party is considered as given to the other also.

§3. The promoter of justice and the defender of the bond have the right to reply a second time to the responses of the parties.

Can. 1604 §1. It is absolutely forbidden for information given to the judge by the parties, advocates, or even other persons to remain outside the acts of the case.

§2. If the discussion of the case has been done in writing, the judge can order a moderate oral debate to be held before a session of the tribunal in order to explain certain questions.

Can. 1605 A notary is to be present at the oral debate mentioned in cann. ⇒ 1602, §1 and ⇒ 1604, §2 so that, if the judge orders it or a party requests it and the judge consents, the notary can immediately report in writing about what was discussed and concluded.

Can. 1606 If the parties have neglected to prepare a defense brief within the time available to them or have entrusted themselves to the knowledge and conscience of the judge, and if from the acts and proofs the judge considers the matter fully examined, the judge can pronounce the sentence immediately, after having requested the observations of the promoter of justice and the defender of the bond if they are involved in the trial.

TITLE VII. THE PRONOUNCEMENTS OF THE JUDGE (Cann. 1607 - 1618)

Can. 1607 When a case has been handled in a judicial manner, if it is the principal case, the judge decides it through the definitive sentence; if an incidental case, through an interlocutory sentence, without prejudice to the prescript of ⇒ can. 1589, §1.

Can. 1608 §1. For the pronouncement of any sentence, the judge must have moral certitude about the matter to be decided by the sentence.

§2. The judge must derive this certitude from the acts and the proofs.

§3. The judge, however, must appraise the proofs according to the judge’s own conscience, without prejudice to the prescripts of law concerning the efficacy of certain proofs.

§4. A judge who was not able to arrive at this certitude is to pronounce that the right of the petitioner is not established and is to dismiss the respondent as absolved, unless it concerns a case which has the favor of law, in which case the judge must pronounce for that.

Can. 1609 §1. In a collegiate tribunal the president of the college is to establish the date and time when the judges are to convene for deliberation; unless a special reason suggests otherwise, the meeting is to be held at the tribunal office.

§2. On the date assigned for the meeting, the individual judges are to submit their written conclusions on the merit of the case with the reasons in law and in fact which led them to their conclusions; these conclusions are to be added to the acts of the case and must be kept secret.

§3. After the invocation of the Divine Name, the individual judges are to present their conclusions in order of precedence, always beginning, however, with the ponens or relator of the case. A discussion then follows under the leadership of the tribunal president, especially to determine what must be established in the dispositive part of the sentence.

§4. In the discussion each judge is permitted to withdraw from his or her original conclusion. The judge who is unwilling to assent to the decision of the others, however, can demand that his or her conclusions be transmitted to the higher tribunal if an appeal is made.

§5. If the judges are unwilling or unable to arrive at a sentence during the first discussion, the decision can be deferred to a new meeting, but not for more than a week, unless the instruction of the case must be completed according to the norm of ⇒ can. 1600.

Can. 1610 §1. If there is only one judge, he will write the sentence himself.

§2. In a collegiate tribunal, it is for the ponens or relator to write the sentence, selecting the reasons from those the individual judges brought forth during the discussion, unless a majority of the judges have already determined the reasons to be presented. The sentence must then be submitted for the approval of the individual judges.

§3. The sentence must be issued no more than a month from the day on which the case was decided unless in a collegiate tribunal the judges set a longer period for a grave reason.

Can. 1611 The sentence must:

1/ decide the controversy deliberated before the tribunal with an appropriate response given to the individual doubts;

2/ determine what obligations have arisen for the parties from the trial and how they must be fulfilled;

3/ set forth the reasons or motives in law and in fact on which the dispositive part of the sentence is based;

4/ determine the expenses of the litigation.

Can. 1612 §1. After the invocation of the Divine Name, the sentence must express in order the judge or the tribunal, the petitioner, the respondent, and the procurator, with their names and domiciles correctly designated, and the promoter of justice and defender of the bond if they took part in the trial.

§2. Next, it must briefly relate the facts together with the conclusions of the parties and the formula of the doubts.

§3. The dispositive part of the sentence follows the above, preceded by the reasons on which it is based.

§4. It is to conclude with the indication of the date and the place where it was rendered, with the signature of the judge or, if it is a collegiate tribunal, of all the judges, and the notary.

Can. 1613 The rules proposed above for a definitive sentence are to be adapted for an interlocutory sentence.

Can. 1614 The sentence is to be published as soon as possible, with an indication of the means by which it can be challenged. It has no force before publication even if the dispositive part was made known to the parties with the permission of the judge.

Can. 1615 Publication or communication of the sentence can be done either by giving a copy of the sentence to the parties or their procurators or by

sending them a copy according to the norm of ⇒ can. 1509.

Can. 1616 §1. If in the text of the sentence an error in calculations turns up, a material error occurs in transcribing the dispositive section or in relating the facts or the petitions of the parties, or the requirements of ⇒ can. 1612, §4 are omitted, the tribunal which rendered the sentence must correct or complete it either at the request of a party or ex officio, but always after the parties have been heard and a decree appended to the bottom of the sentence.

§2. If any party objects, the incidental question is to be decided by a decree.

Can. 1617 Other pronouncements of the judge besides the sentence are decrees, which have no force if they are not merely procedural unless they express the reasons at least in a summary fashion or refer to reasons expressed in another act.

Can. 1618 An interlocutory sentence or a decree has the force of a definitive sentence if it prevents a trial or puts an end to a trial or some grade of a trial with respect to at least some party in the case.

TITLE VIII. CHALLENGE OF THE SENTENCE (Cann. 1619 - 1640)

CHAPTER I. COMPLAINT OF NULLITY AGAINST THE SENTENCE

Can. 1619 Without prejudice to cann. ⇒ 1622 and ⇒ 1623, whenever a case involves the good of private persons, the sentence itself sanates the nullities of acts established by positive law which were not declared to the judge before the sentence even though they were known to the party proposing the complaint.

Can. 1620 A sentence suffers from the defect of irremediable nullity if:

1/ it was rendered by an absolutely incompetent judge;

2/ it was rendered by a person who lacks the power of judging in the tribunal in which the case was decided;

3/ a judge rendered a sentence coerced by force or grave fear;

4/ the trial took place without the judicial petition mentioned in ⇒ can. 1501 or was not instituted against some respondent;

5/ it was rendered between parties, at least one of whom did not have standing in the trial;

6/ someone acted in the name of another without a legitimate mandate;

7/ the right of defense was denied to one or the other party;

8/ it did not decide the controversy even partially.

Can. 1621 The complaint of nullity mentioned in ⇒ can. 1620 can be proposed by way of exception in perpetuity and also by way of action before the judge who rendered the sentence within ten years from the date of the publication of the sentence.

Can. 1622 A sentence suffers from the defect of remediable nullity only if:

1/ it was rendered by an illegitimate number of judges contrary to the prescript of ⇒ can. 1425, §1;

2/ it does not contain the motives or reasons for the decision;

3/ it lacks the signatures prescribed by law;

4/ it does not indicate the year, month, day, and place in which it was rendered;

5/ it is based on a null judicial act whose nullity was not sanated according to the norm of ⇒ can. 1619;

6/ it was rendered against a party legitimately absent according to ⇒ can. 1593, §2.

Can. 1623 A complaint of nullity in the cases mentioned in ⇒ can. 1622 can be proposed within three months from the notice of the publication of the sentence.

Can. 1624 The judge who rendered the sentence deals with the complaint of nullity. If the party fears that the judge who rendered the sentence challenged by the complaint of nullity is prejudiced and therefore considers the judge suspect, the party can demand that another judge be substituted according to the norm of ⇒ can. 1450.

Can. 1625 A complaint of nullity can be proposed together with an appeal within the time established for an appeal.

Can. 1626 §1. Not only the parties who consider themselves aggrieved can introduce a complaint of nullity but also the promoter of justice and the defender of the bond whenever they have the right to intervene.

§2. The judge can retract or emend ex officio a null sentence, which that judge has rendered, within the time limit for acting established by ⇒ can. 1623 unless an appeal together with a complaint of nullity has been introduced in the meantime or the nullity has been sanated through the expiration of the time limit mentioned in ⇒ can. 1623.

Can. 1627 Cases concerning a complaint of nullity can be treated according to the norms for the oral contentious process.

CHAPTER II. APPEAL

Can. 1628 A party who considers himself or herself aggrieved by any sentence as well as the promoter of justice and the defender of the bond in cases which require their presence have the right to appeal the sentence to a higher judge, without prejudice to the prescript of ⇒ can. 1629.

Can. 1629 There is no appeal:

1/ from a sentence of the Supreme Pontiff himself or the Apostolic Signatura;

2/ from a sentence tainted by a defect of nullity, unless the appeal is joined with a complaint of nullity according to the norm of ⇒ can. 1625;

3/ from a sentence which has become a res iudicata;

4/ from a decree of a judge or from an interlocutory sentence which does not have the force of a definitive sentence, unless it is joined with an appeal from a definitive sentence;

5/ from a sentence or a decree in a case where the law requires the matter to be decided as promptly as possible (expeditissime).

Can. 1630 §1. An appeal must be introduced before the judge who rendered the sentence within the peremptory period of fifteen useful days from the notice of the publication of the sentence.

§2. If an appeal is made orally, the notary is to put it in writing in the presence of the appellant.

Can. 1631 If a question arises about the right to appeal, the appellate tribunal deals with it as promptly as possible (expeditissime) according to the norms of the oral contentious process.

Can. 1632 §1. If the appeal does not indicate the tribunal to which it is directed, it is presumed to be made to the tribunal mentioned in cann. ⇒ 1438 and ⇒ 1439.

§2. If the other party has appealed to another appellate tribunal, the tribunal of higher grade deals with the case, without prejudice to ⇒ can. 1415.

Can. 1633 An appeal must be pursued before the appellate judge within a month from its introduction unless the judge from whom appeal is made has established a longer period for a party to pursue it.

Can. 1634 §1. To pursue an appeal it is required and suffices that a party calls upon the services of a higher judge for an emendation of the

challenged sentence, attaches a copy of this sentence, and indicates the reasons for the appeal.

§2. If a party cannot obtain a copy of the challenged sentence from the tribunal from which appeal is made within the useful time, the time limits do not run in the meantime; the impediment must be made known to the appellate judge who is to bind the judge from whom appeal is made by a precept to fulfill that judge's duty as soon as possible.

§3. Meanwhile the judge from whom appeal is made must transmit the acts to the appellate judge according to the norm of ⇒ can. 1474.

Can. 1635 Once the deadline for appeal has passed without action either before the judge from whom the appeal is made or before the appellate judge, the appeal is considered abandoned.

Can. 1636 §1. The appellant can renounce the appeal with the effects mentioned in ⇒ can. 1525.

§2. If the defender of the bond or the promoter of justice has introduced the appeal, the defender of the bond or the promoter of justice of the appellate tribunal can renounce it, unless the law provides otherwise.

Can. 1637 §1. An appeal made by the petitioner also benefits the respondent and vice versa.

§2. If there are several respondents or petitioners and the sentence is challenged by only one or against only one of them, the challenge is considered to be made by all of them and against all of them whenever the matter sought is indivisible or a joint obligation.

§3. If one party introduces an appeal against one ground of the sentence, the other party can appeal incidentally against other grounds within the peremptory period of fifteen days from the day on which the original appeal was made known to the latter, even if the deadline for an appeal has passed.

§4. Unless it is otherwise evident, an appeal is presumed to be made against all the grounds of a sentence.

Can. 1638 An appeal suspends the execution of the sentence.

Can. 1639 §1. Without prejudice to the prescript of ⇒ can. 1683, a new cause for petitioning cannot be admitted at the appellate grade, not even by way of useful accumulation; consequently, the joinder of the issue can only address whether the prior sentence is to be con-firmed or revised either totally or partially.

§2. New proofs, however, are admitted only according to the norm of ⇒ can. 1600.

Can. 1640 The appellate grade must proceed in the same manner as first instance with appropriate adjustments; immediately after the issue has been joined according to the norm of ⇒ can. 1513, §1 and ⇒ can. 1639, §1 and unless the proofs possibly must be completed, the discussion of the case is to take place and the sentence rendered.

TITLE IX. RES IUDICATA AND RESTITUTIO IN INTEGRUM (Cann. 1641 - 1648)

CHAPTER I. RES IUDICATA

Can. 1641 Without prejudice to the prescript of ⇒ can. 1643, a res iudicata occurs:

1/ if a second concordant sentence is rendered between the same parties over the same issue and on the same cause for petitioning;

2/ if an appeal against the sentence has not been introduced within the useful time;

3/ if at the appellate grade, the trial has been abated or renounced;

4/ if a definitive sentence has been rendered from which there is no appeal according to the norm of ⇒ can. 1629.

Can. 1642 §1. A res iudicata possesses the stability of law and cannot be challenged directly except according to the norm of ⇒ can. 1645, §1.

§2. It establishes the rights between the parties and permits an action for execution and an exception of res iudicata which the judge can also declare ex officio in order to prevent a new introduction of the same case.

Can. 1643 Cases concerning the status of persons, including cases concerning the separation of spouses, never become res iudicata.

Can. 1644 §1. If a second concordant sentence has been rendered in a case concerning the status of persons, recourse can be made at any time to the appellate tribunal if new and grave proofs or arguments are brought forward within the peremptory time limit of thirty days from the proposed challenge. Within a month from when the new proofs and arguments are brought forward, however, the appellate tribunal must establish by decree whether a new presentation of the case must be admitted or not.

§2. Recourse to a higher tribunal in order to obtain a new presentation of the case does not suspend the execution of the sentence unless either the law provides otherwise or the appellate tribunal orders its suspension according to the norm of ⇒ can. 1650, §3.

CHAPTER II. RESTITUTIO IN INTEGRUM

Can. 1645 §1. Restitutio in integrum is granted against a sentence which has become res iudicata provided that its injustice is clearly established.

§2. Injustice, however, is not considered to be established clearly unless:

1/ the sentence is based on proofs which afterwards are discovered to be false in such a way that without those proofs the dispositive part of the sentence is not sustained;

2/ documents have been revealed afterwards which undoubtedly prove new facts and demand a contrary decision;

3/ the sentence was rendered due to the malice of one party resulting in harm to the other party;

4/ a prescript of the law which is not merely procedural was clearly neglected;

5/ the sentence is contrary to a previous decision which has become res iudicata.

Can. 1646 §1. Restitutio in integrum for the reasons mentioned in ⇒ can. 1645, §2, nn. 1-3 must be sought from the judge who rendered the sentence within three months computed from the day the person became aware of these same reasons.

§2. Restitutio in integrum for the reasons mentioned in ⇒ can. 1645 §2, nn. 4 and 5 must be sought from the appellate tribunal within three months from the notice of the publication of the sentence; if in the case mentioned in ⇒ can. 1645, §2, n. 5 notice of the previous decision occurs later, however, the time limit runs from this notice.

§3. The time limits mentioned above do not run as long as the injured person is a minor.

Can. 1647 §1. The petition for restitutio in integrum suspends the execution of a sentence if execution has not yet begun.

§2. If from probable indications there is a suspicion that a petition has been made in order to delay the execution, however, the judge can decree execution of the sentence, though with suitable guarantees to the one seeking the restitutio that there will be indemnity if the restitutio in integrum is granted.

Can. 1648 If restitutio in integrum is granted, the judge must pronounce on the merits of the case.

TITLE X. JUDICIAL EXPENSES AND GRATUITOUS LEGAL ASSISTANCE (Can. 1649)

Can. 1649 §1. The bishop who directs the tribunal is to establish norms concerning:

1/ the requirement of the parties to pay or compensate judicial expenses;

2/ the fees for the procurators, advocates, experts, and interpreters and the indemnity for the witnesses;

3/ the grant of gratuitous legal assistance or reduction of the expenses;

4/ the recovery of damages owed by a person who not only lost the trial but also entered into the litigation rashly;

5/ the deposit of money or the provision furnished for the payment of expenses and recovery of damages.

§2. There is no separate appeal from the determination of expenses, fees, and recovery of damages, but the party can make recourse within fifteen days to the same judge who can adjust the assessment.

TITLE XI. THE EXECUTION OF THE SENTENCE (Cann. 1650 - 1655)

Can. 1650 §1. A sentence that has become a res iudicata can be executed, without prejudice to the prescript of ⇒ can. 1647.

§2. The judge who rendered the sentence and, if an appeal has been proposed, also the appellate judge can order ex officio or at the request of a party a provisional execution of a sentence which has not yet become res iudicata, after having set suitable guarantees, if the case warrants, for provisions or payments ordered for necessary support; they can also do so if some other just cause urges it.

§3. If the sentence mentioned in §2 is challenged, the judge who must investigate the challenge can suspend the execution or subject it to a guarantee if the judge sees that the challenge is probably well founded and irreparable damage can arise from execution.

Can. 1651 Execution cannot occur prior to the executory decree of the judge which declares that the sentence must be executed. This decree is to be included in the text of the sentence or issued separately according to the particular nature of the cases.

Can. 1652 If the execution of a sentence requires a prior rendering of accounts, it is an incidental question which the same judge who rendered the sentence ordering the execution must decide.

Can. 1653 §1. Unless particular law establishes otherwise, the bishop of the diocese in which the sentence was rendered in the first grade must execute the sentence personally or through another.

§2. If he refuses or neglects to do this, the execution of the sentence, either at the request of an interested party or even ex officio, pertains to the authority to whom the appellate tribunal is subject according to the norm of ⇒ can. 1439, §3.

§3. Among religious the execution of the sentence pertains to the superior who rendered the sentence to be executed or the superior who delegated the judge.

Can. 1654 §1. Unless the text of the sentence leaves it to the judgment of the executor, the executor must execute the sentence according to the obvious sense of the words.

§2. The executor is permitted to deal with exceptions concerning the manner and force of the execution but not concerning the merit of the case. If it is discovered from another source that the sentence is null or manifestly unjust according to the norm of cann. ⇒ 1620, ⇒ 1622, and ⇒ 1645, the executor is to refrain from executing it and, after having informed the parties, is to refer the matter to the tribunal which rendered the sentence.

Can. 1655 §1. In real actions, whenever the petitioner is awarded something, it must be handed over to the petitioner as soon as there is a res iudicata.

§2. In personal actions, when the guilty party is condemned to furnish a movable thing, to pay money, or to give or do something else, the judge in the text of the sentence or the executor according to his or her judgment and prudence is to establish a time limit to fulfill the obligation; this time limit, however, is not to be less than fifteen days nor more than six months.

SECTION II. THE ORAL CONTENTIOUS PROCESS (Cann. 1656 - 1670)

Can. 1656 §1. All cases not excluded by law can be treated in the oral contentious process mentioned in this section unless a party requests the ordinary contentious process.

§2. If the oral process is used outside of the cases permitted in law, the judicial acts are null.

Can. 1657 The oral contentious process takes place in the first grade before a single judge according to the norm of ⇒ can. 1424.

Can. 1658 §1. In addition to the things enumerated in ⇒ can. 1504, the libellus which introduces the litigation must:

1/ set forth briefly, completely, and clearly the facts on which the requests of the petitioner are based;

2/ indicate the proofs by which the petitioner intends to demonstrate the facts but which cannot be presented at once, in such a way that the judge can collect them immediately.

§2. The documents on which the petition is based must be attached to the libellus, at least in an authentic copy.

Can. 1659 §1. If the attempt at reconciliation according to the norm of ⇒ can. 1446, §2 proved useless and the judge thinks that the libellus has some foundation, the judge is to order within three days by a decree appended to the bottom of the libellus that a copy of the petition be communicated to the respondent, giving to the latter the opportunity to send a written response to the tribunal chancery within fifteen days.

§2. This notification has the effect of the judicial citation mentioned in ⇒ can. 1512.

Can. 1660 If the exceptions of the respondent demand it, the judge is to establish a time limit for the petitioner to respond, in such a way that from

the points brought forth by both of the parties the judge clarifies the object of the controversy.

Can. 1661 §1. When the time limits mentioned in cann. ⇒ 1659 and ⇒ 1660 have elapsed, the judge, after an examination of the acts, is to determine the formula of the doubt. Next, the judge is to cite all those who must take part to a hearing which must be held within thirty days; the formula of the doubt is to be attached to the citation of the parties.

§2. In the citation the parties are to be informed that they can present a brief written statement to the tribunal to verify their claims at least three days before the hearing.

Can. 1662 At the hearing the questions mentioned in ⇒ cann. 1459-1464 are treated first.

Can. 1663 §1. The proofs are collected at the hearing without prejudice to the prescript of ⇒ can. 1418.

§2. A party and his or her advocate can be present at the examination of the other parties, the witnesses, and the experts.

Can. 1664 The notary must put into writing the responses of the parties, the witnesses, and the experts and the petitions and exceptions of the advocates, but in a summary fashion and only in those matters pertaining to the substance of the dispute; the deponents must sign these acts.

Can. 1665 The judge can admit proofs which are not brought forth or sought in the petition or response only according to the norm of ⇒ can. 1452. After even one witness has been heard, however, the judge can only decide about new proofs according to the norm of ⇒ can. 1600.

Can. 1666 If all the proofs were not able to be collected during the hearing, a second hearing is to be scheduled.

Can. 1667 When the proofs have been collected, the oral discussion takes place at the same hearing.

Can. 1668 §1. Unless the discussion reveals that something must be supplied in the instruction of the case or something else turns up which prevents a proper pronouncement of the sentence, at the completion of the hearing the judge in private is to decide the case immediately; the dispositive part of the sentence is to be read at once before the parties who are present.

§2. The tribunal can defer the decision up to the fifth useful day because of the difficulty of the matter or for some other just cause.

§3. The complete text of the sentence with the reasons expressed is to be communicated to the parties as soon as possible, ordinarily in not more than fifteen days.

Can. 1669 If the appellate tribunal discovers that the oral contentious process was used at a lower grade of a trial in cases excluded by law, it is to declare the nullity of the sentence and remit the case to the tribunal which rendered the sentence.

Can. 1670 In other matters pertaining to the manner of proceeding, the prescripts of the canons for the ordinary contentious trial are to be observed. In order to expedite matters without prejudice to justice, however, the tribunal, by a decree expressing the reasons for its decision, can derogate from procedural norms which have not been established for validity.

PART III. CERTAIN SPECIAL PROCESSES

TITLE II. CASES FOR DECLARING THE NULLITY OF SACRED ORDINATION (Cann. 1708 - 1712)

CHAPTER I. CASES TO DECLARE THE NULLITY OF MARRIAGE

Art. 1. THE COMPETENT FORUM

Can. 1671 Marriage cases of the baptized belong to the ecclesiastical judge by proper right.

Can. 1672 Cases concerning the merely civil effects of marriage belong to the civil magistrate unless particular law establishes that an ecclesiastical judge can investigate and decide these cases if they are done in an incidental or accessory manner.

Can. 1673 In cases concerning the nullity of marriage which are not reserved to the Apostolic See, the following are competent:

1/ the tribunal of the place in which the marriage was celebrated;

2/ the tribunal of the place in which the respondent has a domicile or quasi-domicile;

3/ the tribunal of the place in which the petitioner has a domicile, provided that both parties live in the territory of the same conference of bishops and the judicial vicar of the domicile of the respondent gives consent after he has heard the respondent;

4/ the tribunal of the place in which in fact most of the proofs must be collected, provided that consent is given by the judicial vicar of the domicile of the respondent, who is first to ask if the respondent has any exception to make.

Art. 2. THE RIGHT TO CHALLENGE A MARRIAGE

Can. 1674 The following are qualified to challenge a marriage:

1/ the spouses;

2/ the promoter of justice when nullity has already become public, if the convalidation of the marriage is not possible or expedient.

Can. 1675 §1. A marriage which was not accused while both spouses were living cannot be accused after the death of either one or both of the spouses unless the question of validity is prejudicial to the resolution of another controversy either in the canonical forum or in the civil forum.

§2. If a spouse dies while the case is pending, however, ⇒ can. 1518 is to be observed.

Art. 3. THE DUTY OF THE JUDGES

Can. 1676 Before accepting a case and whenever there is hope of a favorable outcome, a judge is to use pastoral means to induce the spouses if possible to convalidate the marriage and restore conjugal living.

Can. 1677 §1. When the libellus has been accepted, the presiding judge or the ponens is to proceed to the communication of the decree of citation according to the norm of ⇒ can. 1508.

§2. When fifteen days have passed from the communication and unless either party has requested a session for the joinder of the issue, the presiding judge or the ponens is to establish the formula of the doubt or doubts within ten days by ex officio decree and is to notify the parties.

§3. The formula of the doubt not only is to ask whether the nullity of the marriage is established in the case but also must determine on what ground or grounds the validity of the marriage is to be challenged.

§4. Ten days after the communication of the decree, the presiding judge or the ponens is to arrange for the instruction of the case by a new decree if the parties have lodged no objection.

Art. 4. PROOFS

Can. 1678 §1. The defender of the bond, the legal representatives of the parties, and also the promoter of justice, if involved in the trial, have the following rights:

1/ to be present at the examination of the parties, the witnesses, and the experts, without prejudice to the prescript of ⇒ can. 1559;

2/ to inspect the judicial acts, even those not yet published, and to review the documents presented by the parties.

§2. The parties cannot be present at the examination mentioned in §1, n. 1.

Can. 1679 Unless there are full proofs from elsewhere, in order to evaluate the depositions of the parties according to the norm of ⇒ can. 1536, the judge, if possible, is to use witnesses to the credibility of those parties in addition to other indications and supporting factors.

Can. 1680 In cases of impotence or defect of consent because of mental illness, the judge is to use the services of one or more experts unless it is clear from the circumstances that it would be useless to do so; in other cases the prescript of ⇒ can. 1574 is to be observed.

Art. 5. THE SENTENCE AND THE APPEAL

Can. 1681 Whenever, during the instruction of a case, a very probable doubt emerges that consummation of the marriage did not occur, after suspending the case of nullity with the consent of the parties, the tribunal can complete the instruction for a dispensation super rato and then transmit the acts to the Apostolic See together with a petition for a dispensation from either one or both of the spouses and the votum of the tribunal and the bishop.

Can. 1682 §1. The sentence which first declared the nullity of the marriage is to be transmitted ex officio to the appellate tribunal within twenty days from the publication of the sentence, together with the appeals, if there are any, and the other acts of the trial.

§2. If a sentence in favor of the nullity of a marriage was given in the first grade of a trial, the appellate tribunal is either to confirm the decision at once by decree or to admit the case to an ordinary examination in a new grade, after having weighed carefully the observations of the defender of the bond and those of the parties if there are any.

Can. 1683 If a new ground of nullity of the marriage is alleged at the appellate grade, the tribunal can admit it and judge it as if in first instance.

Can. 1684 §1. After the sentence which first declared the nullity of the marriage has been confirmed at the appellate grade either by a decree or by a second sentence, the persons whose marriage has been declared null can contract a new marriage as soon as the decree or second sentence has been communicated to them unless a prohibition attached to the sentence or decree or established by the local ordinary has forbidden this.

§2. The prescripts of ⇒ can. 1644 must be observed even if the sentence which declared the nullity of the marriage was confirmed not by a second sentence but by a decree.

Can. 1685 As soon as the sentence is executed, the judicial vicar must notify the local ordinary of the place in which the marriage was celebrated. The local ordinary must take care that the declaration of the nullity of the marriage and any possible prohibitions are noted as soon as possible in the marriage and baptismal registers.

Art. 6. THE DOCUMENTARY PROCESS

Can. 1686 After receiving a petition proposed according to the norm of ⇒ can. 1677, the judicial vicar or a judge designated by him can declare the nullity of a marriage by sentence if a document subject to no contradiction or exception clearly establishes the existence of a diriment impediment or a defect of legitimate form, provided that it is equally certain that no dispensation was given, or establishes the lack of a valid mandate of a proxy. In these cases, the formalities of the ordinary process are omitted except for the citation of the parties and the intervention of the defender of the bond.

Can. 1687 §1. If the defender of the bond prudently thinks that either the flaws mentioned in ⇒ can. 1686 or the lack of a dispensation are not certain, the defender of the bond must appeal against the declaration of nullity to the judge of second instance; the acts must be sent to the appellate judge who must be advised in writing that a documentary process is involved.

§2. The party who considers himself or herself aggrieved retains the right of appeal.

Can. 1688 The judge of second instance, with the intervention of the defender of the bond and after having heard the parties, will decide in the same manner as that mentioned in ⇒ can. 1686 whether the sentence must be confirmed or whether the case must rather proceed according to the ordinary method of law; in the latter event the judge remands the case to the tribunal of first instance.

Art. 7. GENERAL NORMS

Can. 1689 In the sentence the parties are to be reminded of the moral and even civil obligations which may bind them both toward one another and toward their children to furnish support and education.

Can. 1690 Cases for the declaration of the nullity of a marriage cannot be treated in an oral contentious process.

Can. 1691 In other procedural matters, the canons on trials in general and on the ordinary contentious trial must be applied unless the nature of the matter precludes it; the special norms for cases concerning the status of persons and cases pertaining to the public good are to be observed.

CHAPTER II. CASES OF SEPARATION OF SPOUSES

Can. 1692 §1. Unless other provision is legitimately made in particular places, a decree of the diocesan bishop or a judicial sentence can decide the personal separation of baptized spouses according to the norm of the following canons.

§2. Where an ecclesiastical decision has no civil effects or if a civil sentence is not contrary to divine law, the bishop of the diocese of the residence of the spouses, after having weighed the special circumstances, can grant permission to approach the civil forum.

§3. If a case concerns only the merely civil effects of marriage, the judge, after having observed the prescript of §2, is to try to defer the case to the civil forum from the start.

Can. 1693 §1. Unless a party or the promoter of justice requests the ordinary contentious process, the oral contentious process is to be used.

§2. If the ordinary contentious process has been used and an appeal is proposed, the tribunal of second grade, observing what is required, is to proceed according to the norm of ⇒ can. 1682, §2.

Can. 1694 The prescripts of ⇒ can. 1673 are to be observed in what pertains to the competence of the tribunal.

Can. 1695 Before accepting the case and whenever there is hope of a favorable outcome, the judge is to use pastoral means to reconcile the spouses and persuade them to restore conjugal living.

Can. 1696 Cases concerning the separation of spouses also pertain to the public good; therefore the promoter of justice must always take part in them according to the norm of ⇒ can. 1433.

CHAPTER III. PROCESS FOR THE DISPENSATION OF A MARRIAGE RATUM ET NON CONSUMMATUM

Can. 1697 Only the spouses, or one of them even if the other is unwilling, have the right to petition for the favor of a dispensation from a marriage ratum et non consummatum.

Can. 1698 §1. Only the Apostolic See adjudicates the fact of the non-consummation of a marriage and the existence of a just cause to grant a dispensation.

§2. Only the Roman Pontiff, however, grants the dispensation.

Can. 1699 §1. The person competent to accept a libellus seeking a dispensation is the diocesan bishop of the domicile or quasi-domicile of the petitioner, who must arrange for the instruction of the process if the petition is well founded.

§2. If the proposed case has special difficulties of the juridical or moral order, however, the diocesan bishop is to consult the Apostolic See.

§3. Recourse to the Apostolic See is available against a decree by which a bishop rejects a libellus.

Can. 1700 §1. Without prejudice to the prescript of ⇒ can. 1681, the bishop is to entrust the instruction of these processes either in a stable manner or in individual cases to his tribunal, that of another diocese, or a suitable priest.

§2. If a judicial petition to declare the nullity of the same marriage has been introduced, however, the instruction is to be entrusted to the same tribunal.

Can. 1701 §1. The defender of the bond must always intervene in these processes.

§2. A legal representative is not admitted, but because of the difficulty of a case, a bishop can permit the petitioner or the respondent to have the assistance of a legal expert.

Can. 1702 In the instruction each spouse is to be heard, and the canons on the collection of proofs in the ordinary contentious trial and in cases of the nullity of marriage are to be observed insofar as possible, provided that they can be reconciled with the character of these processes.

Can. 1703 §1. There is no publication of the acts. If the judge perceives that the proofs brought forward seriously hinder the request of the petitioner or the exception of the respondent, however, he is prudently to inform the interested party.

§2. The judge can show a document introduced or a testimony received to a party who requests it and set a time to present observations.

Can. 1704 §1. When the instruction has been completed, the instructor is to give all the acts along with a suitable report to the bishop, who is to prepare a votum on the veracity of the fact of the non-consummation, the just cause for the dispensation, and the suitability of the favor.

§2. If the instruction of the process has been entrusted to another tribunal according to the norm of ⇒ can. 1700, the observations in favor of the bond are to be made in the same forum; the votum mentioned in §1, however, pertains to the entrusting bishop, to whom the instructor is to hand over a suitable report together with the acts.

Can. 1705 §1. The bishop is to transmit to the Apostolic See all the acts together with his votum and the observations of the defender of the bond.

§2. If supplemental instruction is required in the judgment of the Apostolic See, this requirement will be communicated to the bishop with an indication of the points on which the instruction must be completed.

§3. If the Apostolic See replies that non-consummation has not been established from the materials presented, then the legal expert mentioned in ⇒ can. 1701, §2 can inspect the acts of the process, though not the votum of the bishop, at the tribunal to consider whether any grave reason can be brought forth in order to resubmit the petition.

Can. 1706 The Apostolic See transmits the rescript of the dispensation to the bishop who will notify the parties about the rescript and also as soon as possible will order the pastor both of the place where the marriage was contracted and of the place of baptism to note the granting of the dispensation in the marriage and baptismal registers.

CHAPTER IV. PROCESS IN THE PRESUMED DEATH OF A SPOUSE

Can. 1707 §1. Whenever the death of a spouse cannot be proven by an authentic ecclesiastical or civil document, the other spouse is not considered

free from the bond of marriage until after the diocesan bishop has issued a declaration of presumed death.

§2. The diocesan bishop is able to issue the declaration mentioned in §1 only if, after having carried out appropriate investigations, he attains moral certitude of the death of the spouse from the depositions of witnesses, from rumor, or from evidence. The absence of a spouse alone, even for a long time, is not sufficient.

§3. The bishop is to consult the Apostolic See in uncertain and complicated cases.

TITLE II. CASES FOR DECLARING THE NULLITY OF SACRED ORDINATION (Cann. 1708 - 1712)

Can. 1708 The cleric himself, the ordinary to whom the cleric is subject, or the ordinary in whose diocese the cleric was ordained has the right to challenge the validity of sacred ordination.

Can. 1709 §1. The libellus must be sent to the competent congregation which will decide whether the congregation of the Roman Curia itself or a tribunal designated by it must handle the case.

§2. Once the libellus has been sent, the cleric is forbidden to exercise orders by the law itself.

Can. 1710 If the congregation refers the case to a tribunal, the canons on trials in general and on the ordinary contentious trial are to be observed unless the nature of the matter precludes it and without prejudice to the prescripts of this title.

Can. 1711 In these cases the defender of the bond possesses the same rights and is bound by the same duties as the defender of the marriage bond.

Can. 1712 After a second sentence has confirmed the nullity of sacred ordination, the cleric loses all rights proper to the clerical state and is freed from all obligations.

TITLE III. METHODS OF AVOIDING TRIALS (Cann. 1713 - 1716)

Can. 1713 In order to avoid judicial contentions an agreement or reconciliation is employed usefully, or the controversy can be committed to the judgment of one or more arbitrators.

Can. 1714 For an agreement, a compromise, and an arbitrated judgment, the norms selected by the parties or, if the parties have selected none, the law laid down by the conference of bishops, if there is such a law, or the civil law in force in the place where the agreement is entered into is to be observed.

Can. 1715 §1. An agreement or compromise cannot be made validly concerning matters which pertain to the public good and other matters about which the parties cannot make disposition freely.

§2. For temporal ecclesiastical goods, the formalities established by law for the alienation of ecclesiastical goods are to be observed whenever the matter demands it.

Can. 1716 §1. If the civil law does not recognize the force of an arbitrated sentence unless a judge confirms it, an arbitrated sentence in an ecclesiastical controversy, in order to have force in the canonical forum, needs the confirmation of an ecclesiastical judge of the place where it was rendered.

§2. If civil law permits the challenge of an arbitrated judgment before a civil judge, however, the same challenge can be proposed in the canonical forum before an ecclesiastical judge competent to judge the controversy in the first grade.

PART IV. THE PENAL PROCESS (Cann. 1717 - 1731)

CHAPTER I. The Preliminary Investigation

Can. 1717 §1. Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.

§2. Care must be taken so that the good name of anyone is not endangered from this investigation.

§3. The person who conducts the investigation has the same powers and obligations as an auditor in the process; the same person cannot act as a judge in the matter if a judicial process is initiated later.

Can. 1718 §1. When it seems that sufficient evidence has been collected, the ordinary is to decide:

1/ whether a process to inflict or declare a penalty can be initiated;

2/ whether, attentive to ⇒ can. 1341, this is expedient;

3/ whether a judicial process must be used or, unless the law forbids it, whether the matter must proceed by way of extrajudicial decree.

§2. The ordinary is to revoke or change the decree mentioned in §1 whenever new evidence indicates to him that another decision is necessary.

§3. In issuing the decrees mentioned in §§1 and 2, the ordinary is to hear two judges or other experts of the law if he considers it prudent.

§4. Before he makes a decision according to the norm of §1 and in order to avoid useless trials, the ordinary is to examine carefully whether it is expedient for him or the investigator, with the consent of the parties, to resolve equitably the question of damages.

Can. 1719 The acts of the investigation, the decrees of the ordinary which initiated and concluded the investigation, and everything which preceded the investigation are to be kept in the secret archive of the curia if they are not necessary for the penal process.

CHAPTER II. THE DEVELOPMENT OF THE PROCESS

Can. 1720 If the ordinary thinks that the matter must proceed by way of extrajudicial decree:

1/ he is to inform the accused of the accusation and the proofs, giving an opportunity for self-defense, unless the accused neglected to appear after being properly summoned;

2/ he is to weigh carefully all the proofs and arguments with two assessors;

3/ if the delict is certainly established and a criminal action is not extinguished, he is to issue a decree according to the norm of ⇒ cann. 1342-1350, setting forth the reasons in law and in fact at least briefly.

Can. 1721 §1. If the ordinary has decreed that a judicial penal process must be initiated, he is to hand over the acts of the investigation to the promoter of justice who is to present a libellus of accusation to the judge according to the norm of cann. ⇒ 1502 and ⇒ 1504.

§2. The promoter of justice appointed to the higher tribunal acts as the petitioner before that tribunal.

Can. 1722 To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the ordinary, after having heard the promoter of justice and cited the accused, at any stage of the process can exclude the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist. Once the cause ceases, all these measures must be revoked; they also end by the law itself when the penal process ceases.

Can. 1723 §1. The judge who cites the accused must invite the accused to appoint an advocate according to the norm of ⇒ can. 1481, §1 within the time limit set by the judge.

§2. If the accused does not make provision, the judge is to appoint an advocate before the joinder of the issue; this advocate will remain in this function as long as the accused does not appoint an advocate personally.

Can. 1724 §1. At any grade of the trial the promoter of justice can renounce the trial at the command of or with the consent of the ordinary whose deliberation initiated the process.

§2. For validity the accused must accept the renunciation unless the accused was declared absent from the trial.

Can. 1725 In the discussion of the case, whether done in written or oral form, the accused, either personally or through the advocate or procurator, always has the right to write or speak last.

Can. 1726 If at any grade and stage of the penal trial it is evidently established that the accused did not commit the delict, the judge must declare this in a sentence and absolve the accused even if it is also established that criminal action has been extinguished.

Can. 1727 §1. The accused can propose an appeal even if the sentence dismissed the accused only because the penalty was facultative or because the judge used the power mentioned in cann. ⇒ 1344 and ⇒ 1345.

§2. The promoter of justice can appeal whenever the promoter judges that the repair of scandal or the restoration of justice has not been provided for sufficiently.

Can. 1728 §1. Without prejudice to the prescripts of the canons of this title and unless the nature of the matter precludes it, the canons on trials in general and on the ordinary contentious trial must be applied in a penal trial; the special norms for cases which pertain to the public good are also to be observed.

§2. The accused is not bound to confess the delict nor can an oath be administered to the accused.

CHAPTER III. ACTION TO REPAIR DAMAGES

Can. 1729 §1. In the penal trial itself an injured party can bring a contentious action to repair damages incurred personally from the delict, according to the norm of ⇒ can. 1596.

§2. The intervention of the injured party mentioned in §1 is not admitted later if it was not made in the first grade of the penal trial.

§3. The appeal in a case for damages is made according to the norm of ⇒ cann. 1628-1640 even if an appeal cannot be made in the penal trial; if both appeals are proposed, although by different parties, there is to be a single appellate trial, without prejudice to the prescript of ⇒ can. 1730.

Can. 1730 §1. To avoid excessive delays in the penal trial the judge can defer the judgment for damages until he has rendered the definitive sentence in the penal trial.

§2. After rendering the sentence in the penal trial, the judge who does this must adjudicate for damages even if the penal trial still is pending because of a proposed challenge or the accused has been absolved for a cause which does not remove the obligation to repair damages.

Can. 1731 Even if the sentence rendered in a penal trial has become a res iudicata, it in no way establishes the right of the injured party unless this party has intervened according to the norm of ⇒ can. 1729.

PART V. THE METHOD OF PROCEEDING IN ADMINISTRATIVE RECOURSE AND IN THE REMOVAL OR TRANSFER OF PASTORS

SECTION I. RECOURSE AGAINST ADMINISTRATIVE DECREES (Cann. 1732 - 1739)

Can. 1732 What is established in the canons of this section concerning decrees must be applied to all singular administrative acts which are given in the external forum outside a trial excepting those which have been issued by the Roman Pontiff or an ecumenical council.

Can. 1733 §1. Whenever a person considers himself or herself aggrieved by a decree, it is particularly desirable that the person and the author of the decree avoid any contention and take care to seek an equitable solution by common counsel, possibly using the mediation and effort of wise persons to avoid or settle the controversy in a suitable way.

§2. The conference of bishops can determine that each diocese establish in a stable manner an office or council whose function is to seek and suggest equitable solutions according to the norms determined by the conference. If the conference has not ordered this, however, the bishop can establish a council or office of this kind.

§3. The office or council mentioned in §2 is especially to be of assistance when the revocation of a decree has been requested according to the norm of ⇒ can. 1734 and the time limits for making recourse have not elapsed. If recourse has been proposed against a decree, however, the superior who deals with the recourse is to urge the person making recourse and the author of the decree to seek a solution of this kind whenever he sees hope of a favorable outcome.

Can. 1734 §1. Before proposing recourse a person must seek the revocation or emendation of the decree in writing from its author. When this petition is proposed, by that very fact suspension of the execution of the decree is also understood to be requested.

§2. The petition must be made within the peremptory period of ten useful days from the legitimate notification of the decree.

§3. The norms of §§1 and 2 are not valid:

1/ for recourse proposed to a bishop against decrees issued by authorities subject to him;

2/ for recourse proposed against a decree which decides a hierarchical recourse unless the bishop gave the decision;

3/ for recourse proposed according to the norm of cann. ⇒ 57 and ⇒ 1735.

Can. 1735 If within thirty days after receiving the petition mentioned in ⇒ can. 1734 the author of the decree communicates a new decree by which he either emends the earlier one or decides that the petition must be rejected, the time limits for making recourse run from the notification of the new decree. If the author makes no decision within the thirty days, however, the time limits run from the thirtieth day.

Can. 1736 §1. In those matters in which hierarchical recourse suspends the execution of a decree, the petition mentioned in ⇒ can. 1734 also has the same effect.

§2. In other cases, if the author of the decree has not decreed the suspension of execution within ten days after receiving the petition mentioned in ⇒ can. 1734, an interim suspension can be sought from his hierarchical superior who can decree a suspension only for grave reasons and always cautiously so that the salvation of souls suffers no harm.

§3. If the execution of the decree has been suspended according to the norm of §2 and recourse is proposed afterwards, the person who must deal with the recourse according to the norm of ⇒ can. 1737, §3 is to decide whether the suspension must be confirmed or revoked.

§4. If no recourse is proposed against the decree within the established time limit, the interim suspension of the execution given according to the norm

of §§1 or 2 ceases by that very fact.

Can. 1737 §1. A person who claims to have been aggrieved by a decree can make recourse for any just reason to the hierarchical superior of the one who issued the decree. The recourse can be proposed before the author of the decree who must transmit it immediately to the competent hierarchical superior.

§2. Recourse must be proposed within the peremptory time limit of fifteen useful days which in the cases mentioned in ⇒ can. 1734, §3 run from the day on which the decree was communicated; in other cases, however, they run according to the norm of ⇒ can. 1735.

§3. Nevertheless, even in cases in which recourse does not suspend the execution of the decree by the law itself and suspension has not been decreed according to the norm of ⇒ can. 1736, §2, the superior can order the execution to be suspended for a grave cause, yet cautiously so that the salvation of souls suffers no harm.

Can. 1738 The person making recourse always has the right to use an advocate or procurator, but useless delays are to be avoided; indeed, a legal representative is to be appointed ex officio if the person making recourse lacks one and the superior thinks it necessary. Nevertheless, the superior always can order the person making recourse to be present in order to be questioned.

Can. 1739 The superior who deals with the recourse, as the case warrants, is permitted not only to confirm the decree or declare it invalid but also to rescind or revoke it or, if it seems more expedient to the superior, to emend, replace, or modify it.

SECTION II. THE PROCEDURE IN THE REMOVAL OR TRANSFER OF PASTORS (Cann. 1740 - 1752)

CHAPTER I. THE MANNER OF PROCEEDING IN THE REMOVAL OF PASTORS

Can. 1740 When the ministry of any pastor becomes harmful or at least ineffective for any cause, even through no grave personal negligence, the

diocesan bishop can remove him from the parish.

Can. 1741 The causes for which a pastor can be removed legitimately from his parish are especially the following:

1/ a manner of acting which brings grave detriment or disturbance to ecclesiastical communion;

2/ ineptitude or a permanent infirmity of mind or body which renders the pastor unable to fulfill his functions usefully;

3/ loss of a good reputation among upright and responsible parishioners or an aversion to the pastor which it appears will not cease in a brief time;

4/ grave neglect or violation of parochial duties which persists after a warning;

5/ poor administration of temporal affairs with grave damage to the Church whenever another remedy to this harm cannot be found.

Can. 1742 §1. If the instruction which was carried out has established the existence of one of the causes mentioned in ⇒ can. 1740, the bishop is to discuss the matter with two pastors selected from the group established for this purpose in a stable manner by the presbyteral council at the proposal of the bishop. If the bishop then judges that removal must take place, he paternally is to persuade the pastor to resign within fifteen days, after having explained, for validity, the cause and arguments for the removal.

§2. The prescript of ⇒ can. 682, §2 is to be observed for pastors who are members of a religious institute or a society of apostolic life.

Can. 1743 A pastor can submit a resignation not only purely and simply but also conditionally, provided that the bishop can accept it legitimately and actually does accept it.

Can. 1744 §1. If the pastor has not responded within the prescribed days, the bishop is to repeat the invitation and extend the useful time to respond.

§2. If the bishop establishes that the pastor received the second invitation but did not respond even though not prevented by any impediment, or if the pastor refuses to resign without giving any reasons, the bishop is to issue a decree of removal.

Can. 1745 If the pastor opposes the cause given and its reasons and alleges reasons which seem insufficient to the bishop, the bishop, in order to act validly, is:

1/ to invite the pastor to organize his objections in a written report after he has inspected the acts, and offer any proofs he has to the contrary;

2/ when any necessary instruction is completed, to consider the matter together with the same pastors mentioned in ⇒ can. 1742, §1, unless others must be designated because those pastors are unavailable;

3/ finally, to establish whether the pastor must be removed or not and promptly to issue a decree on the matter.

Can. 1746 After the pastor has been removed, the bishop is to make provision either for an assignment to some other office, if he is suitable for this, or for a pension as the case warrants and circumstances permit.

Can. 1747 §1. The removed pastor must refrain from exercising the function of pastor, vacate the rectory as soon as possible, and hand over everything belonging to the parish to the person to whom the bishop has entrusted the parish.

§2. If, however, the man is sick and cannot be transferred elsewhere from the rectory without inconvenience, the bishop is to leave him the use, even exclusive use, of the rectory while this necessity lasts.

§3. While recourse against a decree of removal is pending, the bishop cannot appoint a new pastor, but is to provide a parochial administrator in the meantime.

CHAPTER II. THE MANNER OF PROCEEDING IN THE TRANSFER OF PASTORS

Can. 1748 If the good of souls or the necessity or advantage of the Church demands that a pastor be transferred from a parish which he is governing usefully to another parish or another office, the bishop is to propose the transfer to him in writing and persuade him to consent to it out of love of God and souls.

Can. 1749 If the pastor does not intend to submit to the counsel and persuasions of the bishop, he is to explain the reasons in writing.

Can. 1750 Notwithstanding the reasons alleged, if the bishop decides not to withdraw from his proposal, he is to consider the reasons which favor or oppose the transfer with two pastors selected according to the norm of ⇒ can. 1742, §1. If he then decides to implement the transfer, however, he is to repeat the paternal exhortations to the pastor.

Can. 1751 §1. When this has been done, if the pastor still refuses and the bishop thinks that the transfer must be made, he is to issue a decree of transfer, establishing that the parish will be vacant after the lapse of a set time.

§2. If this period of time has passed without action, he is to declare the parish vacant.

Can. 1752 In cases of transfer the prescripts of ⇒ can. 1747 are to be applied, canonical equity is to be observed, and the salvation of souls, which must always be the supreme law in the Church, is to be kept before one's eyes.